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The Week

SENATOR Hiram Johnson of California has fired the first gun for the irreconcilables against the Root plan for bringing the United States into the World Court. As a responsible utterance of a public man it is a performance as amazing as it is deplorable. Senator Johnson suggests that the United States would not get equitable treatment from the judges of the World Court. "Even judges possess a love of country, and even judges have sympathies, and judges, after all, are human . . . Suppose the 'I'm Alone' case was brought into court. How much consideration among Europeans, who hate our prohibition laws, would there be for the United States?" From this he goes on to imply that the United States is superior even to the demands of international justice itself. "We are the creditor nation of the world. We are none too well liked. We have peculiar interests, and possibly peculiar international problems. This nation should not submit itself to any tribunal presided over by a foreign judiciary." What does this mean, except that the United States ought to have its way regardless of the dictates of international law? The "foreign judiciary" to which Senator Johnson refers is of course a group of eleven judges, nominated by the nations represented in the Permanent Arbitration Court at the Hague. Each national group nominates four judges, of which only two may be of the group's own nationality. At present, the Court's membership includes representatives of Spain, Italy, Cuba, Great Britain, the Netherlands, Japan, France, Denmark, Switzerland, Brazil and the United States—Charles Evans Hughes being our own member. While no court is infallible, certainly the United States runs no graver dangers than any other great power, from entrusting its affairs to the adjudication of an international tribunal set up for the precise purpose of settling disputes between the nations. Senator Johnson says in effect, "We won't take our case to court because we might lose. We must have our way, whether other nations like it or not." The New Republic refuses to believe that any such monstrous doctrine will receive the support of the Senate, or of the American people.

PRESIDENT HOOVER'S proposal to clean up the Republican party in the Southern states is thoroughly praiseworthy. For generations, the organization south of the Mason and Dixon line has been utterly corrupt. Federal offices have been sold as openly and shamelessly as though they were ice-cream cones on the street corner, and whites and Negroes have both been involved in this sorry traffic. At the same time, as our Washington correspondent points out in this issue, the President's action is an attempt at shrewd politics. Mr. Hoover broke the Solid South in the election. He did so because many thousands of Democrats deserted to his banner. He would like to keep these "Hoovercrats," and he is embarrassed by the fact that the present Republican leaders in many states are such that no self-respecting citizen can have anything to do with them. He hopes, after cleaning house, to persuade the temporary guests to remain, perhaps to repeat, in 1932, his achievement of 1928, and in any event, to elect some Southern Republicans to Congress. These expectations are in our judgment largely illusory. Economic developments in the South are moving it toward the Republican party,

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as we have many times pointed out; but these developments will be much too slow for Mr. Hoover's impatience. The Southern Democrats who voted for him did so because their own party had for its standard-bearer a wet, Northern, urban Roman Catholic. No such nominee will be selected again for at least a generation, and there is no reason to believe that the Democratic percentage of the vote in the South will be much smaller in 1932 than it was in 1924.

THERE is an interval of some six weeks before the date of the British general election, which will be held immediately after Winston Churchill's fifth annual budget has passed the House of Commons. The total electorate is now not less than twenty-five millions, five and a quarter millions being the newly enfranchised young women. The contest of 1929, therefore, will be the first complete election ever held in Great Britain, and nothing can be more certain than that it must prove to be a momentous event. It comes at the close of a four-year period which, judged by the old English parliamentary standards, has been unfortunate and absurd. As the result of the trick election of 1924, the Conservatives under Stanley Baldwin had a majority of more than 200 in a House of 615. That majority has been reduced by the by-elections, but it is still unnaturally large; the only certainty of the approaching campaign would seem to be that the Prime Minister will lose it. A few weeks ago the Home Secretary predicted that in the new House the Conservatives would number 338. He is probably the only member of the government able to take so optimistic a view, while the most reasonable Labor forecast we have seen gives the Conservatives 300 to Labor's 238, leaving 75 to the Liberals and independents. It would, however, be well to remember that no election has ever been more problematic. The tide of resentment against the Baldwin government is so formidable that it may produce a clear majority for Ramsay MacDonald; but on the other hand, an accident or maneuver at the last moment, or a national emergency—such, for example, as a grave check to the convalescence of King George—might create a situation advantageous to the Conservatives.

IF AFFAIRS run as they are running today, the election will be dominated by unemployment. For the bulk of the British electorate there can be no actual issue comparable with this. For years past, the Prime Minister has professed his interest in the problem and his earnest desire for peace in industry. There is nothing in the record of his administration to show that he has at any time made a serious attempt to stir his colleagues out of their attitude of casual indifference to the industrial ruin of Britain. The Labor party, to the concern of its friends, displays a curious irresolution and lack of defined initiative in the presence of the appalling facts, and, not by any means for the first time, MacDonald has allowed himself to be outplayed by Lloyd George, who proclaims that, given the chance of office, the Liberals would undertake to reduce unemployment to something like the normal within twelve months. This pledge sounds like an outrageous campaign device. His opponents remind Lloyd George that he does not even command the Liberal remnant, and Labor points to recent by-elections in proof of its contention that Liberalism has suffered a final defeat in the industrial areas. Stanley Baldwin has only one notion of a remedy—the protective tariff under the guise of safeguarding. His supporters have persuaded themselves that all virtue has gone out of the old free-trade doctrine and that the Labor movement has lost interest in it. They may be right. As the most probable outcome of the campaign, the British people see a new Parliament without a party majority, thus offering one last chance for the experience and dexterity of a Lloyd George. A balanced House of Commons would in all likelihood be short-lived. The next stage may be one of very great difficulty, involving, perhaps, a more severe strain for its constitutional system than Britain has known for a hundred years.

THE AGREEMENT among large producers of petroleum, controlling about 80 percent of the supply, to restrict 1929 production in the western hemisphere to the 1918 total, is a halting step toward conservation of a necessary and rapidly wasting resource. We can take it for granted that the oil men are less concerned about conservation than they are about the low prices resulting from large production. While it is important not to take out of the ground more than is really needed, and thus to avoid the wastes of storage, it is equally important to stop altogether the wasteful methods of recovery which arise from competitive exploitation. An agreement among the competitors in each field to restrict their output individually will not prevent the wastes of present methods as they could be prevented by real coöperative methods of drilling, or unitary control of the field. The present agreement looks like a violation of the anti-trust laws. It is absurd to enforce competition where it is so wasteful as in oil production, but it would be equally absurd to permit monopoly without enforcing conservation and protecting the consumer by some regulation of prices. Adequate legislation is a pressing necessity. Since it has been proved that competition in oil is unbearably wasteful, the producers should be permitted to combine and coöperate, but in exchange for that privilege the government should institute proper control, to see that the public advantages of monopoly are realized.

EXTENSION of the oil-restriction agreement to the international field is projected. This raises another series of problems of the greatest importance. So far, large companies of different nationalities have been competing for this immensely valuable

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and limited resource. This has been a source of danger for Anglo-American relations, since the more powerful companies involved were the British Royal Dutch Shell and the American Standard group. But if these companies should adjust their differences and begin to coöperate, as they seem to be on the brink of doing, other nations might well object to their monopoly. France, as a matter of fact, is already aroused about the question. While oil is superabundant and prices are low, the commercial interests of the producers have given rise to most of the friction, but if oil should, as it may, become scarce and high in price, the consuming but non-producing nations would have a special grievance.

Behind the Credit Battle

THE WARFARE between the Federal Reserve authorities and the stock-market speculators has been popularly supposed to be concerned with the question whether the average prices of stocks should continue to rise or be reduced. As the struggle is intensified, however, it becomes clear that the outcome at issue is whether the market shall keep on booming until a sensational crisis occurs, or an orderly liquidation shall take place in time to avoid serious disturbance either to the market or to business. There is little question that the market must sooner or later disgorge much of its abnormal consumption of credit. The time, the manner and the results of liquidation are the real stakes of the conflict.

It is in this light that we must interpret the action of the National City Bank in coming to the aid of the traders when it appeared that the market was on the verge of a complete rout. Shares were being sold in huge blocks, prices were dropping perpendicularly, call-money rates had soared to 20 percent, and no stopping place was in sight. President Mitchell of the National City Bank then offered a large sum of money to be loaned on call, so much at 15 percent, and so much more at each increase of one point in the rate. The retreat was stopped, and a reaction upward followed. For this action he was roundly denounced by Senator Carter Glass, one of the framers of the Federal Reserve Act, on the ground that, though a director of the New York Federal Reserve Bank, he was nullifying Federal Reserve policy. His resignation was demanded. Senator Owen, co-author of the Act, then defended Mr. Mitchell on the ground that the Federal Reserve policy was wrong. A more belligerent statement to the same effect came from Representative Black of New York, who evidently sympathized strongly with the speculators for the rise, and threatened congressional action to keep the central banking authorities from attempting to control credit used for speculative purposes. What must have been the surprise of these gentlemen when, a day or two later, the monthly bulletin of the City Bank came out with the statement that it "recognizes the dangers of over-speculation and endorses the desire of the Federal Reserve authorities to restrain excessive credit expansion for this purpose." The same bulletin urged an increase in the rediscount rate.

The seeming anomaly is explained in the succeeding sentence from the bulletin. "At the same time, the bank, business generally, and, it may be assumed, the Federal Reserve Banks, whose policies over the past year have been marked by moderation, wish to avoid a general collapse of the securities markets such as would have a disastrous effect on business." In other words, Mr. Mitchell was proceeding on the theory that the market can be liquidated gradually, and without a panic in stock prices. It must be noted that the aid extended began only at the extraordinarily high rate of 15 percent and was scaled upward from there. How many holders of stocks can afford to keep them indefinitely by borrowing at this rate, while the stocks yield scarcely more than a third as much? They will do so only if they believe a further rapid rise of prices is in prospect. If such a rise does not occur, they will be forced to sell and repay their loans, even if the call-money rate they are paying is much lower. It must further be noted that the aid extended by the City Bank in this instance did not directly involve any further strain on reserves, since it was not based upon borrowing from the Reserve Bank.

In spite of Mr. Mitchell's reasonable assumption, however, it is doubtful whether a cessation of the growth in speculative credit can be brought about in the moderate way he desires. It is doubtful whether the speculators will, as the National City Bank advises, "bear in mind the condition of the credit structure and voluntarily see to it that in their loan accounts they maintain wider margins and lean less heavily on the credit structure." The belligerent attitude of such bull traders as W. C. Durant and many others, who maintain that the banking authorities have no business to be concerned about speculative loans at all, argues ill for the moderate intentions which Mr. Mitchell attributes to the Reserve Board. The deciding factor in the situation may prove to be, as it has been so far, not the policy of the Board, but the confidence and the will of those who are still holding and buying stocks for a rise. This it is which creates the demand for credit, which sends the call rate soaring, and which thus attracts the loans to the market from corporations, foreign lenders, and other sources which the Reserve Banks do not control. If the speculators continue their stubborn course, as indicated by the surprising upswing on the day when Mr. Mitchell came to the aid of the market, prices of shares will go on up, and brokers' loans will go on increasing, until legitimate business, which depends on commercial loans, is seriously embarrassed, a credit shortage develops which nobody can ameliorate, and an irretrievable crash of values occurs.

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In such a case it will appear that the crisis previously averted would have been moderate and salutary compared with that which finally comes. It will appear that the speculators could not be discouraged by anything short of a panic. It will appear that the Federal Reserve Board erred, not in applying the brakes, but in applying them too moderately and too late, after the boom psychology had developed. Mr. Mitchell and the Federal Reserve Board—if it really is in accord with him—are risking much in the future in order to save discomfort in the present. They are safe only if the speculative community will allay its excitement, see the situation as it is, and coöperate with them instead of combating them. They may be fatuously deluded in hoping for any reason in this quarter.

Authority is not lacking on this side of the argument. Mr. Paul Warburg and other critics—the latest of whom is Mr. H. Parker Willis, writing in the North American Review—believe that the Reserve Banks were wrong in not restricting credit at the very beginning of the movement. If worst comes to worst, and nothing avails to stop the run-away market until it smashes on account of its own folly, it will be said that the Reserve authorities were spineless and complaisant, that they conspired with bull interests, and are responsible for the disaster. Whatever elements of truth there may be in such accusations, however, we believe that they are far from telling the whole story.

If, in retrospect, it should appear that an uncontrollable speculative mania had led us to disaster, the fault would lie less with the bankers who made the original supply of credit easy than with the politicians and business men who over-stimulated the demand for it. We must not forget that the great popular confidence in stocks, the assurance that they would rise indefinitely in value because of ever-growing profits of industry, was based largely on repeated and official statements by Secretary Mellon, by Mr. Hoover as Secretary of Commerce, by President Coolidge himself, who on one occasion even went so far as to deny the existence of any danger in the growth of brokers' loans. These statements, coming at critical moments, and backed up by similar utterances from leading industrialists, constituted the real nourishment of the bull operators and the start of the overwhelming belief in rising industrial values. They were part of the cult of "Republican prosperity" which was assumed to be something that would grow and grow, if only the government kept its hands off private enterprise. It is ironical that now the one defense which stands between our prosperity and its greatest menace is an instrument for social control of economic institutions. It is ironical that those who are doing their utmost to prevent this institution from safeguarding us are repeating, parrot-wise, the lessons which they learned from the "great minds" of the preceding administration about the sanctity of private enterprise engaged in a scramble for profits.

Arbitrate!

LAST WEEK The New Republic commented upon the sinking of the Canadian rum-runner "I'm Alone" by the United States Coast Guard, two hundred miles off the coast of Louisiana. The sinking has been defended by Secretary Mellon, and the defense must sound odd to the British government, which has been obliged within recent months to submit to American diatribes about "freedom of the seas."

Mr. Mellon's defense is the doctrine of "hot pursuit," that is, the right of a state to continue on the high seas the pursuit of a foreign vessel if the pursuit was begun while the vessel was within the territorial waters of that state. Now the treaty of January, 1924, between the United States and Great Britain says nothing about "hot pursuit." In this treaty, the parties declare their firm intention "to uphold the principle of the three-mile limit" as constituting the "proper limits of territorial waters." Nevertheless, in this treaty the British government agreed not to object to the boarding of vessels by the United States outside the three-mile limit for the purpose of ascertaining whether the vessel is endeavoring to import alcoholic beverages into the United States. If there is a reasonable cause for belief that the vessel is engaged in such activities, it may be seized. These rights shall not, however, "be exercised at a greater distance from the coast of the United States than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense." Such is the extent of the rights of the United States under this treaty. It is only by construction that it gives us the right to continue pursuit more than one hour's distance from the coast. In the case of Gillman vs. United States, decided last year, a federal court declared, "we think it is clear, under the 'hot pursuit' doctrine, that if the right of seizure existed at the time the vessel was signaled, the right was not lost because she had succeeded in getting farther from shore in her attempt to run away." This decision does not bind Great Britain, and the question remains open whether or not the 1924 treaty recognizes this doctrine by implication. In August, 1925, eleven Baltic states entered into a convention for the Suppression of Contraband Traffic in Alcoholic Liquors which expressly recognized the doctrine of hot pursuit. It may be argued that the silence of the Anglo-British treaty of 1924 in regard to this right shows that the parties did not wish to grant it.

Even if the principle of "hot pursuit" be implied from the 1924 treaty, or admitted as a general principle of international law, the question would remain whether or not it had been properly applied in the "I'm Alone" case. On March 20 and 21, the United States cutter "Walcott" pursued the "I'm Alone"; the next day, when the "I'm Alone" was about 215 miles south by east from New Orleans, the "Dexter" took up the chase. In the course of two days and two nights, the two cutters fired more

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than 120 rounds of three-inch shells into the schooner. Can the doctrine of "hot pursuit" be properly invoked to cover a chase in which one American cutter is relieved or assisted by another? Does the doctrine of "hot pursuit" justify the drastic punishment meted out to the "I'm Alone"? Its captain declared: "I consider it a most cowardly action to blow my boat to pieces, with a gale of wind blowing and a heavy sea running, when any man but a strong swimmer could not expect to live."

A handsome and wise gesture on the part of the United States would be to admit the questionable nature of the Coast Guard's action in this case, and to proceed to negotiate an amendment to the treaty, defining more precisely the rights of both parties to it. But if this action should not be taken, we hope that the answer to the questions at issue will not be left to diplomatic argument. These are questions which involve the interpretation of treaties and international law. They are questions which, to quote from the World Court statute, involve "the existence of any fact which, if established, would constitute a breach of an international obligation." Obviously their determination should be left to arbitration or to some form of judicial settlement. In fact, the treaty of 1924 provides for this form of settlement. According to this treaty, any claim by a British vessel for compensation "on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights" conferred by the treaty shall be referred to the "joint consideration of two persons," one appointed by each government. If these two persons cannot agree, the claim shall be referred to a claims commission established by an agreement of August, 1910. In determining the question whether or not the "I'm Alone" is entitled to compensation because of improper action by the United States, the arbitrators would have to pass upon the legality of that action. Arbitration would be in accordance with the traditional method of handling controversies between England and the United States, and it would prevent public opinion from attaching to this dispute greater importance than it deserves.

Trade Unionism as Social Technique

ONE OF the major paradoxes of contemporary American civilization resides in this fact: *in a society dominated by the industrial arts, neither of the two important producing groups—farmers and workers—is capable of defining its role.* In a strict sense, we have no labor movement and no agrarian movement. Neither farmers nor industrial workers, as such, possess sufficient self-awareness or status to make qualitative contributions to our culture. Their standards and their aspirations are swallowed in the gigantic maw of middle-class ascendancy.

Three generalized attitudes, it appears, are assumed with respect to this phenomenon. There are, first, those who view the challenge and the contribution of an organized bloc, such as Labor, as a peculiarly European product; they contend that American culture is in this respect unique: its pattern derives from a different set of circumstances, circumstances which allow the unprivileged to rise to power, not through blocs, but rather through assimilations by higher-standard groups on the basis of individual merit. There are others, again, who approach this situation with historical perspectives; they believe that our pervasive *bourgeoisie* rests upon initial but short-lived exploitation of natural resources; in time, they insist, the pattern of our culture will approximate that of more matured European nations. There are doctrinaires, finally, who persist in believing that a proletarian movement may be brought about in America through the systematic cultivation of discontent invoked by the familiar Marxian formulæ.

In terms of analytical detachment, it may be said that the second formulation will probably be correct if we are to go forward by abandonment to *laissez-faire* philosophy. The end-result of our industrial civilization may be something very close to the European equation—if we do no conscious planning in the meantime. Likewise, the members of group three, the doctrinaires, may also be right; a civilization quantitatively conceived and without qualitative direction may easily become the proper soil for dogmatic germination. But, the difficulty in accepting either of these formulations lies in their unreality. To wait until the worse becomes the better by sheer weight of time is a non-intelligent program. And, to believe that a proletarian philosophy may be brought into being in this country where the germs of class-consciousness are scarcely discernible is to submit to a self-delusion.

But those who assume the first-named attitude, those who believe in the American system of "climbing" with sufficient rapidity to forestall the cultivation of class-consciousness, tend to overlook one exceedingly important fact. In spite of our lack of effective class-consciousness, we gravitate steadily toward collectivism. If the traditional trade union appears to be losing ground here and there, new collectivist forms arise to take its place; instead of trade unions we witness the coming of "company unions." In the same manner, farmers do not coalesce toward a national class-consciousness but increasing numbers of farmers affiliate themselves with one type or another of functional organization. In other words, the drift toward collectivism is one of the traits of our culture. But it is a collectivism which is not confined to stratified classes. Every individual, particularly if he resides in an urban environment, secures status through some form of social organization. Even actors and teachers find it advantageous to share their stake and interest with their colleagues.

It is, therefore, entirely possible that the point of

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departure for American collectivism may be function, rather than class-consciousness. This may be the unique aspect of our culture. But if this hypothesis is true, it is equally patent that we have made almost no beginnings in the direction of formulating appropriate social techniques to suit indigenous social forms. Observers have recognized that the Church, for example, is a different institution, viewed functionally, in this country from what it is elsewhere. Women's clubs, and the numerous "service clubs" are also illustrations of home-grown varieties of social forms. But in the area of our largest functional group, industrial workers, almost nothing has been done to cause a deviation from the orthodox path. (The American labor movement, in so far as there is such a thing, diverges from the British movement in several particulars; it refrains from entering politics as a group, for example. But there are solid reasons for believing that this represents a thoroughly pragmatic policy; a labor party may, of course, be talked about in this country, but whether or not it could be realized is extremely doubtful.) The clear conclusion derivable from the above hypothesis is this: if Labor is to express itself collectively and effectively in the United States, it will need to be through social forms and techniques which somehow fit into the total pattern of our evolving culture. Obviously, the proper formula is still to be discovered.

How is it to be discovered? A forthcoming publication of the National Women's Trade Union League ("How To Organize: A Problem") is possibly the first signal of awakening. Although this pamphlet does not attempt to answer the opening query of this paragraph, it does point toward the place where answers are likely to be found. The first conference on methods of organizing trade unions was held at Kansas City in 1926. Subsequent conferences and studies have resulted in a set of findings which, for sheer boldness and social import, have a significance of the first order. The avowed purpose of this hand-book is "to stimulate trade-union organizers, the wise and the inexperienced, the expert and the discouraged, to think about how to do their work better, and to bring to bear the intelligence of allies of the labor movement upon its great task." The main importance of this document, however, transcends its stated purpose. Emphasis throughout is placed upon questions, not answers; problems, not conclusions; methods, not ends. In short, this document boldly confronts the problem of how the American trade union is to adjust itself through its social techniques and functions to its American habitat. This represents as fundamental a question as any organization may put to itself.

A few random samples of the kinds of queries confronted will serve to indicate the inquiring, experimenting mood which permeates the entire pamphlet: Why do some organizers succeed while others fail? Why do some unions hold their members while others lose them? Is it easier to organize women if they are organized separately? What can a union offer to an employer which will convince him that it is advantageous to deal with it? What subjects ought an organizer to study to make her work most effective? Should the structure of trade unions be changed in order to enable them to accomplish their purposes better? Is the strike a good means for organizing workers? These are questions of searching importance. They strike at the very root of trade unions. They call upon the professional organizer to reëvaluate his methods, and they ask the policy-makers to re-appraise their principles. In essence, their meaning is that trade unions can no longer go forward trusting to the efficacy of their goals; they must henceforth give attention to those skills and techniques which are partly psychological and partly sociological, and which in combination and application constitute the point of contact and adjustment between the union and its total environment. Trade-unionism is no longer to be viewed merely as an economic weapon. It is a social technique, and it will stand or fall, succeed or be eliminated, to the degree in which it learns how to utilize the social sciences.

This challenge comes at a fortunate moment in trade-union history. At a time when such vast amounts of energy are expended on behalf of a "left-right" controversy which has no reality for the American situation, it would be a wholesome catharsis if a few leaders were to turn their attention in the direction of this objective set of problems. What the American labor movement needs is experiment, not dialectic. And it is no accident that women—who have so lately come to respond to the pull of collectivism—are the first to set their teeth into the tough stuff of trade-union traditionalism. Only 250,000 out of 8,000,000 women workers are enrolled in trade unions, but this small group may become the creative ferment for the entire movement. The more powerful male unions and the more complacent male leaders may discount the size of the women's unions, but they cannot justifiably dismiss these qualitative questions which women have raised.

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The Harvard House Plan

"So you think you're changed, do you?" said the caterpillar.

"I'm afraid I am, sir," said Alice; "I can't remember things as I used—and I don't keep the same size for ten minutes together."

"What size do you want to be?" it asked.

"Oh, I'm not particular as to size," Alice hastily replied; "only one doesn't like changing so often, you know."

"I *don't* know," said the caterpillar.

WHEN the General Court of Massachusetts voted to establish the "schoale or colledge" to which John Harvard, late of Emmanuel College, Cambridge, left its first bequest, the founders were undoubtedly thinking mainly in terms of the English university from which so many of them had come. Had their idea prevailed, there would today be no need for a "house plan." But the other early "colledges" disappeared, while Harvard proceeded to outgrow all the outward and visible signs of what a college is elsewhere supposed to be. Its courses climbed into the hundreds, its enrolment into the thousands; its graduate schools acquired separate organizations, and its administration became in effect that of a large university. Today, with the freshmen segregated in the "halls" by the river, the seniors mostly in the Yard, and the rest scattered in lodgings or housed in buildings that are aptly called dormitories since they have no corporate life of their own, Harvard retains little more than the name of college.

President Lowell has now decided on a bold attempt to back the name with something more of the reality. The attempt is made possible by a gift of some eleven million dollars from the same donor to whom Yale owes the finest group of dormitories in America. It is said that Yale failed to see its way through various difficulties promptly enough to seize the offer: President Lowell showed no such hesitation. On its residential side the scheme somewhat resembles the quadrangle plan that is being carried out under President Neilson at Smith. The existing freshman halls are to become part of a new building scheme in which the three upper classes will gradually be housed, the freshmen being transferred to the older buildings in the Yard. The new houses will follow the present freshman halls in providing dining and common rooms, with the addition of libraries. There are to be resident masters, tutors, and possibly other faculty; and the intention is frankly expressed that, while the ultimate control of discipline and instruction will be unchanged, the houses will develop a considerable measure of corporate life of their own.

It is this prospect that has evoked widespread and strident undergraduate opposition. At first sight this appears to be founded on a passion for cafeterias and a conviction that one is a hell of a fine fellow; but there is more to it than that. Part of the opposition, no doubt, represents a pent-up feeling of soreness against the administration that has seized the occasion for a general howl; part of it—shared by many Harvard graduates—has a more positive basis of sentiment. There are certain aspects of undergraduate psychology so common as to be generally overlooked, that come into play in a situation of this sort. The average undergraduate is in a peculiar position. He has to spend four years in a constant endeavor to measure up to predetermined standards; and he is tested in America much more frequently and systematically (I do not say more thoroughly) than in England. The result is that he develops a subconscious craving to "run around loose" as fast and as far as he can, as a sort of psychological counterpoise. The more frequent and systematic the testing, the more insistent does this craving become. It is a perfectly natural and inevitable thing, and is emphatically not to be checked by the imposition of more "discipline." More discipline will exaggerate rather than diminish it. By the same token, he is about as friendly toward any proposal that even looks like more discipline as a cat is toward a new house. The most alluring culinary consolations cannot easily overcome the animal's misgivings.

In view of this simple but important consideration, it appears that the official announcements of the "house plan" did not cry "pussy, pussy" in a sufficiently tactful tone. Apart from the fact that the benefactor came (to put it mildly) from "another place," the disposition to "fear the Greeks bearing gifts" is a robust and healthy sign. The impression, no doubt misleading and inadvertent, that Harvard policy stood in a somewhat *post hoc* relation to the benefaction was therefore unfortunate. The student report of 1926, cited by President Lowell in favor of the plan, is not everywhere accepted as the new testament of student opinion. And when the President went on to describe the new plan as a "natural development from the idea of freshman halls," he committed in the eyes of many (including the present writer) a *non sequitur*. Even if it were not, the citation of the freshman halls is a questionable commendation of the new plan.

Another difficulty is of peculiar interest to an Englishman who has frequently encountered it in other connections. It has been considered necessary to assure Harvard men that this is "not an imitation of Oxford or Cambridge." One is tempted to ask,

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What on earth does it matter if it is? But the element of collective psychology that is at work here deserves dragging into the light. It may be well to remind Americans that the same element—aggressive parochialism, or whatever one chooses to call it—is at work in Europe, too. Everybody knows how much more difficult it becomes to "sell" an idea to the European when the American origin of it is frankly admitted. In London, Oxford and Cambridge universities, where the American benefactions are increasingly in evidence, there is the same apprehension that some "imitation" of American methods may follow, and the same reluctance to accept the results of experience merely because the experience happens to be somebody else's. But the parochialism of Harvard, Oxford or Cambridge is intrinsically not different from the parochialism of Podunk or Zenith.

In the particular case, there is a further consideration. Outside of America, Oxford and Cambridge are practically the only places where the problem of corporate residence as a mode of contribution to university life has been fully worked out. Elsewhere in Europe the college does not exist. Of course the problem is complicated by the fact that in the English foundations the university came first; and the feelings of an Englishman toward his college and his university are quite distinct, though not easily definable. Perhaps it would not be too wide of the mark to say that the college is "his," while he is the university's. At Harvard these two attitudes are fused about the idea that Harvard is still a "college"; but it may be questioned whether the real basis of that fusion is not getting a little attenuated. Apparently (witness The Advocate) there is something sacrosanct about "courses" of six or seven hundred, with the elaborate lock-step machinery they necessitate, since it has been deemed advisable to give assurances that the basis of instruction will not be altered. One wonders whether there will be an official celebration over the first course that runs into four figures. It is hard, however, to believe that there is anything equally sacrosanct about the social activities of Harvard, if the following is a normal specimen:

> The first of a series of six university teas at the Union, at which opportunity is given for students in the university to meet the members of the Faculty and their wives and daughters, will be held in the living-room on Friday, 4.30 to 6.00. The Faculty has been divided into six groups, each of which will be invited to one tea. On Friday, the following departments will be represented: Music, Classics, Indic Philology, History, Government and Economics, History of Literature, Theology and the Division of Semitic Languages.

The thought of that tea still gives me a headache. Perhaps that is because I am an Englishman. But would it be irreverent to suggest that Harvard, Dunster and the Mathers would have had headaches, too?

Harvard men may prefer their alma mater to develop on the non-resident lines of Manchester and London rather than those of Oxford or Cambridge. There are, however, signs that they do not: in particular there is the value they attach to the corporate spirit and tradition. Harvard is bound to develop one way or the other. And the time is certainly ripe for a discussion of the lines the development is to take.

Here the real issue arises. Opponents of the change maintain that the corporate spirit and tradition can be adequately obtained and preserved without the introduction of smaller corporate units: that these will in fact impair that spirit. The administration maintains, in effect, that an additional enrichment of university life can be secured through corporate residence on the basis of smaller units. In the writer's opinion, the administration and its supporters are undoubtedly right—in principle, at all events.

Corporate spirit is a wholesome and beneficent thing so long as it is founded on concrete personal experience. Without that basis it becomes too vague to be altogether safe or sane; and this is very likely to happen when the group in question grows beyond a certain point. If, within its organic unity, subcenters of action and sentiment do not then arise, through which the immediacy of personal experience is preserved, the corporate spirit becomes too largely an affair of symbol and abstraction, whose specific content is far thinner and poorer than in the early days. This is the danger of all modern nationalism, of many other types of large-scale group association, and of nearly all unified American institutions. To an outsider there is already a touch of self-consciousness about the corporate spirit, even at Harvard, in comparison with the English foundations. One hears more about it, about the tradition and history of the place, than one ever does about Oxford or Cambridge. The common explanation is not, I think, the right one. The difference is not due to any cult of, or insistence on, tradition as such. It is due rather to the fact that the corporate entity plays a much smaller part in the actual experience of the Harvard man than do his college and university in the life of the English student, and the sense of unity is therefore forced to find more of its sustenance in the realm of idea. The Yard is a symbol rather than an experience. The administration itself becomes symbol, and its position is in fact made far more difficult by the attention centered upon it and the emotional overtones its every movement is liable to arouse. One must not forget, too, that much of what Harvard men now think of as Harvard, and especially that habit of somewhat anarchic individualism, is a natural outcome of the assemblage of some thousands of picked students in a given district; it is the product of an intellectual cosmopolis rather than of Harvard College *per se*, and will persist through any changes of organization.

Probably the most satisfying experience of cor-

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porate unity that the older American universities provide is in the club system; but that is fully available to only a small and chosen few. Yet after all, the average student has as good a claim to, and as much to gain from, some experience of this sort as his more brilliant or more lucky brethren; and it is ironic that the attempt to find it for him should apprehend in the club system one of its difficulties. There is not the least reason to suppose, however, that the difficulty is bound to be serious. The close circumscription of entry to the clubs has results that are not always quite happy, or quite fair, in their effect on undergraduate relations; and that is another argument in favor of the attempt to evolve other—perhaps less distinguished but still worthwhile—types of association. I am not sure but that a somewhat similar observation might even be applied to faculty society at Harvard.

Now if the foregoing considerations come anywhere near the truth, there is a strong *a priori* case for the house plan—conceived as an attempt to create the conditions for the growth of lesser corporate centers of social and intellectual life within the larger cosmopolis of Harvard. It is also obvious that the attempt will have to run the gauntlet of certain dangers.

The first and gravest danger is that it will be over-organized before it starts. The administration is right in refusing to be forced into detailed specification of every feature of the scheme. The ideal thing would be to put up the buildings with a minimum of fuss or publicity, start them with a voluntary complement of men even if it was not a full one, and let the rest grow. The task of populating the new houses looms in everyone's mind as a grave hazard; but its difficulty may well turn out to be exaggerated. If the student body will accept the scheme and coöperate, as much free choice as possible should be the first principle: never mind if it does not yield the ideal balance of schools or types or interests—that is not the main thing. A calculated equilibrium does not necessarily make a synthesis, and in any case some differences are bound to develop between the houses unless there is to be an everlasting attempt to impose a paper uniformity. Similarly it might be wise to leave the reputations of the houses largely to be made (for good or ill) by the people in them, instead of planting reluctant stars in this nebulous but hopeful sky.

The logic of the scheme is impaired by the exclusion of the freshmen. It is difficult for an outsider to discern what advantages Harvard thinks it gains, as compared to what it loses, by segregating the first year from contact with the upper-classmen. A college is largely made and preserved through these contacts, and very much of the freshman's education for life is received through them. This is especially true of the "impossible" people, who are more likely to be let alone than taken in hand if left entirely to the society of their own year. There has been rather too much talk about democracy in this connection. Given an environment that favors the testing and selecting of men for what they really have in them—and inter-class contacts are such an environment—democracy will take care of itself. In any case, one cannot compel people to be democratic: the attempt is always liable to defeat its own end.

Another hazard lies in the amount of actual coming together the new units are to do. Apparently this is to consist of three meals a day in the dining-rooms, and I have no hesitation in saying that this is too much of a strain to put upon any culinary institution. There is a very exaggerated notion abroad of the social value of "hall" in the English colleges. In very few does "hall" occupy much more than fifteen minutes for the undergraduates, and two free cuts a week is a common rule. As to having breakfast and lunch in hall, it is a thing not to be thought of. My own college in 1919 tried the experiment of opening hall at noon for those who chose to lunch there, but it was not a success even in the congested conditions of that year. The essence of the social value of the feeding arrangements is that a man can get service in his rooms.

Most men breakfast in their rooms, many lunch there—either placing orders with the buttery or preparing coffee and raking out whatever happens to be in the cupboard. This is not a minor matter. Lunch, tea or dinner parties in one's rooms are a really important basis of social life, and one that any group of men might welcome: especially if their normal eating arrangements were such as now prevail around Harvard Square. The provision of some simple type of room service might therefore be well worth trying in the Harvard scheme. Men like to sit around with something to drink, for example, but the majority do not want liquor; tea or coffee will serve if it can be got easily (no "as"). Failing that, it looks as though café or cafeteria service would be an improvement on institutional feeding of the freshman-hall type for two meals out of the three; and though kitchens would admittedly have more budgetary difficulties under such a system, the incidental advantages might even outweigh an overhead loss.

How much intellectual community the house plan may evolve it is neither possible nor desirable to predict. At Oxford and Cambridge, men work in their rooms far more than in America, and accumulate their own working libraries. Here there seems to be a preference for studying in "reading rooms"—where the process can hardly be as enjoyable as it should—and spending the barest minimum of money on the books one is mainly concerned with. There are doubtless advantages in both methods; but one of the most depressing sights I have encountered is to be obtained any morning by a glance through the glazed door of a shanty not far from

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the Yard, labelled "Freshman Reading Rooms."

As to faculty-student intercourse, probably the less said the better. One could imagine that tutorial relations might be pleasanter for all parties in a decent room, where one could smoke in comfort and have all the books on hand, rather than in the cubby-holes of the Widener or the Old Fogg; but that, like all the essentially human elements of the scheme, must and should be left to work itself out gradually. The utmost that even Mr. Harkness can do is to provide the physical conditions of a more congenial way of living; the rest is for those concerned, mainly the undergraduates. The scheme, despite appearances, is in their hands: it is they who will make a success of it, if a success it is to be. It is in the power of the present Harvard generation to start a development through which Harvard may mean even more to them and their successors than it has to many generations of the past. They have their chance to coöperate, not as undergradutes with an administration, but simply as Harvard men, in insuring the Harvard of the future against the graver perils of size and standardization. It is to be hoped they care enough for Harvard to make the most of the opportunity.

WILLIAM ORTON.

Mooney and Billings[1]

THERE is now pending before Governor Young of California an application for the pardon of Thomas J. Mooney, now in San Quentin under life sentence. He was tried during January and February, 1917, on an indictment filed August 2, 1916, charging him jointly with his wife, Warren K. Billings, Israel Weinberg and Edward D. Nolan with the murder of Hetta Knapp, one of the eight persons dead at that time by reason of the bomb explosion of July 22, 1916.

Billings was tried in September, 1916, found guilty of murder in the second degree and sentenced to imprisonment for life. He is now in Folsom Penitentiary.

Mooney was tried before Judge Griffin, found guilty of murder in the first degree, and on February 24, 1917, sentenced to death. On March 1, 1918, the Supreme Court of California affirmed the judgment. On November 28, 1918, Governor Stephens commuted the sentence to life imprisonment.

Rena Mooney was tried in July and Weinberg in September and October, 1917. Each was found not guilty. However, they were held in jail on the other indictments until March 30, 1918, when they were released on cash bail of $15,000 each. Later these other indictments were dismissed.

Edward D. Nolan, after an imprisonment of many months, was discharged.

After Judge Griffin had pronounced judgment of death on Mooney he became convinced that the testimony connecting Mooney with the crime was false; but after judgment, he was without jurisdiction. He asked the Attorney-General, U. S. Webb, to consent to a reversal and a new trial. Webb consented, but the Supreme Court decided, September 11, 1917, that it was without power to reverse the judgment, as the Constitution limited its jurisdiction to questions of law where judgment of death had been rendered. The court stated that the only recourse for perjury at the time was to the Governor.

In 1918 President Wilson appointed a commission to investigate the Mooney case. Upon its report, the President repeatedly requested Governor Stephens to bring about a new trial, if possible, or at least to commute the death sentence. The Governor commuted the sentence.

Thereafter funds were raised to pay the cost of a record, setting out all available facts. This record was submitted to Governor Richardson in 1926, in support of a renewed application for pardon. The Governor denied the application.

Mooney's present application to Governor Young is based upon the same record, as is the following chronological outline.

For many years prior to the bomb explosion of July 22, 1916, there was war between the open-shop forces of California and the aggressive wing of unionism to which Mooney and his co-defendants belonged. In this war the forces of "law and order" employed corps of under-cover men to frame labor leaders. Their method was to plant dynamite in suitcases or otherwise in the possession of labor leaders and then "find" it. Three years earlier, in 1913, Martin Swanson, a private detective for the Pacific Gas and Electric Company, who aided in the preparation of the bomb-explosion case, had come into contact with Mooney in connection with a linemen's strike in Contra Costa County. Swanson's detectives "found," in a boat belonging to Mooney, dynamite, percussion caps, batteries, an alarm clock and firearms. Mooney was tried three times and finally acquitted.

[1] The Civil Liberties Union, 100 Fifth Avenue, New York City, has just published a 500-page book entitled "The Case of Thomas J. Mooney and Warren K. Billings," which sells for $2 and tells the entire story of the trials of these men, drawn from official documents and other sources. Mr. Hunt, the author of this volume, has summarized in the article which we present herewith the outstanding aspects of these celebrated cases.

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In the same year Billings, a shoe-worker, was asked by one of Swanson's under-cover men among the linemen to carry a suitcase to a saloon in Sacramento. He did so, the suitcase was seized by others of Swanson's men, and found to contain dynamite. As a result of this frame-up, Billings was sentenced to prison for two years. He was paroled in December, 1914. In the Stockton lock-out in 1913, the tables were partially turned. A company detective named Emerson was caught with stolen dynamite, tried and acquitted. Rena Mooney took notes at this trial.

In June and July, 1916, Mooney was employed by the San Francisco street-railway workers' union to organize the platform men of the United Railroads Company. One night, some power towers near the city were dynamited, the remnants of a suitcase "found," and Swanson (now head of a "Utilities Protective Bureau" set up by the United Railroads and other utilities) attempted to fasten this action, which did damage amounting to about $300, on Mooney. Weinberg, subsequently a co-defendant with Mooney, was at that time a "jitney" driver in San Francisco, and had carried Mooney as a passenger on the night the towers were dynamited. Swanson urged Weinberg to say he had taken Mooney to the scene of the dynamiting, telling him he would get a $5,000 reward if he would say this, and that his jitney driving license would be cancelled if he refused—which he did. On the same day, Swanson accosted Billings with a like proposition which he also refused.

It should be added that Charles M. Fickert, the District Attorney who prosecuted Mooney and Billings, had been elected to office as the United Railroads' man. The officials of that company had been prosecuted for bribery of city officials by Francis J. Heney, Fickert's opponent at the election. On taking office, Fickert had all the bribery indictments dismissed. He was reëlected in 1914.

About July 1, 1916, the Chamber of Commerce sponsored a Preparedness Parade for Saturday, July 22, to march at 1:30 P.M. The parade was in great part an open-shop demonstration masked under a patriotic disguise. Union labor refused to participate.

On July 22, at 2:06 P.M., a bomb was exploded on the west sidewalk of Steuart Street about twenty feet from the southwest corner of Steuart and Market. The route of the parade was on Market Street from the Ferry west to the Civic Center, about two miles, passing 721 Market and 925 Market, respectively, 4,066 feet and 6,088 feet from the corner of Steuart and Market. At the time of the explosion the contingents assembled in Steuart Street were marching into Market to join the parade. Nine persons were killed and forty injured.

Forty minutes later, firemen under police direction washed the sidewalk and street.

At 1:58, 2:01 and 2:04 P.M., Wade Hamilton photographed the parade from the roof of 925 Market and accidentally included a part of the group on the roof. The photograph at 1:58 shows Mrs. Mooney, those of 2:01 and 2:04 show both Mr. and Mrs. Mooney. The time appears by the contingent of the parade then passing and (by enlargement of the films) from a jeweler's clock on the street.

At 9:30 on the evening of July 22, Martin Swanson, under-cover man for the United Railroads, went to work for District Attorney Fickert.

Monday, July 24, Mr. and Mrs. Mooney left for a long-planned vacation on the Russian River near San Francisco. On the same day police officers were ordered to the Russian River to watch Mooney. The "Law and Order" Committee of the Chamber of Commerce met and induced the offering of rewards aggregating $14,100 for the arrest and conviction of the bomb criminals. On the twenty-fifth the press published the notice of reward. On July 26 Billings was at the clinic of Lane Hospital which he had attended on the seventeenth and twenty-fourth for eczema. Swanson took six policemen there who seized and jailed Billings without a warrant or any charge. Swanson *et al.* unlawfully searched Billings' home. Two policemen unlawfully seized Weinberg while he was driving his jitney and handcuffed him. Swanson with six policemen went to Weinberg's home and ransacked it without a warrant. Weinberg and Billings were held in jail incommunicado until July 31, when they were charged with murder.

On July 27 the newspapers carried scare heads stating that the police were making a worldwide search for Thomas J. Mooney, dynamite suspect. About 1:30 P. M. the Mooneys read this item and took the first train for San Francisco after wiring Chief White that they were returning. They were "arrested" on the train without warrants, taken off the train, transported by automobile to San Francisco and held incommunicado without charge until July 31, when they were charged with murder. Mrs. Mooney was confined in a bathroom for forty-eight hours. Both were interrogated until 4 A.M. on the night of the twenty-seventh and stated their whereabouts on July 22, to wit, in Mrs. Mooney's studio until about 1:46, afterwards on the roof where they remained until 3.30. They named many persons who could verify this.

The policemen searching Mooney found a key which he said was to Nolan's basement where he kept his motorcycle. Swanson led the police to Nolan's house, which they searched. In the basement they found epsom salts, flour and flashlight powder, which they declared to the press and grand jury to be saltpeter and explosive materials.

The newspapers published photographs of Billings, the notice of reward and also the police theory that the dynamite was exploded in a suitcase. Estelle Smith, a young woman with a police record, a morphine addict, employed by the dentist at 721 Market Street, had given permission about 1 P.M.

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on Saturday to a photographer with a camera case to take pictures from the roof. Estelle told the dentist that the picture of Billings looked like that man. The dentist, scenting publicity for himself, informed Brennan, Fickert's assistant. Estelle was brought to Fickert and Swanson by the police and told by Fickert her testimony might prove an alibi for Billings. Estelle said his photograph was that of the man she saw. Mrs. Kidwell, her mother, the wife of a convict, supported Estelle in her "identification of Billings."

From July 27 to August 1 Fickert issued numerous statements to the press stating that the Mooneys, Billings, Weinberg and Nolan were a gang of dynamiters who were guilty of the atrocity of July 22 and of many other crimes. On July 27, he stated that Mrs. Mooney's notes, taken at Emerson's trial and taken from her studio by Swanson, "prove that the Mooneys belonged to an organized group of dynamiters who planned and carried out the systematic destruction of property of corporations having differences with labor." On July 31, the press published a police statement declaring the defendants had at first intended to explode the bomb at 721 Market, but, changing their plans at the last moment, had driven in Weinberg's jitney to Steuart and Market Streets and placed the suitcase and bomb there, the motive being to destroy the employees of the street railroad who had refused to strike.

On July 23, John McDonald, an itinerant waiter in cheap restaurants and hanger-on at Salvation Army headquarters, told policeman Hextrum he saw two men place a suitcase at Steuart and Market. McDonald was taken to Fickert. Fickert told him Mooney was the man he was after. On July 28, Billings and Mooney, in jail, were exhibited to McDonald. Fickert said to McDonald, "Now those two fellows you saw are the sons of —— I am going to put away. Now, Mac, we'll take good care of you and will pay your hotel expenses. I will see that you get the biggest slice of the reward." Officer Bailey was assigned to watch McDonald day and night. Fickert told McDonald to make his identification absolute. (McDonald's affidavit, February 7, 1921.)

July 28, Mellie Edeau, a seamstress working for Foreman and Clark, tailors, Oakland, told Stout, Burgess and Stewart, fellow workers, that she was at Steuart and Market July 22 before and after the explosion. She said she saw two middle-aged men place a suitcase there. Stout advised her to tell her story to Chief Peterson of Oakland. She did so. Peterson assigned Detective Smith to take her to the San Francisco police. She told Smith the same story. Taken by Smith and Detective Goff to see Billings and Mooney in jail, she declared, "They are not the men I saw, they are too young."

On August 1, the Grand Jury heard testimony. Estelle Smith swore she saw the man and woman Fickert pointed out to her as Billings and Rena Mooney, at 721 Market between 1:15 and 1:55 P.M. on July 22. Billings had a suitcase and asked permission to go on the roof, where he went about fifteen minutes (1:15) before the parade started (1:30). While Mayor Rolph was passing (1:50), Billings reappeared. At that time, Mrs. Mooney ran up the steps, called to him to come down, and left. About five minutes after that Billings left (1:55).

Alice Kidwell corroborated her daughter.

John McDonald testified. "I was standing on Steuart Street, about twelve feet south of the southeast corner, about 1:40. At the time I saw Billings on the opposite side of Steuart, carrying a suitcase from the direction of Mission Street [the street south of Market]. He placed it at the point where the explosion took place, walked to the corner, Mooney came out of the saloon door there and talked to Billings. Billings took a cut through the parade toward the Ferry [northeast]. Mooney looked at his watch and at the Ferry clock and took a cut through the parade toward Drum Street [northwest]. Then [immediately] I walked east on Market. When I reached the Alameda Café [eighty-five feet] the explosion took place" [2:06 P. M.].

Hamilton's photographs were then in the possession of Fickert's office. They showed the Mooneys on the roof of 925 Market, over a mile away, at 2:01 and 2:04.

Mooney was called upon to testify. He declined unless he could first consult counsel. Fickert said he could not arrange for that "kind of stuff." Nolan took the same position. Mrs. Mooney and Weinberg testified, answering all questions.

On August 2, the Grand Jury returned eight indictments charging the defendants jointly with the murder of the several victims, one indictment for each of eight victims.

September 11 to 23, Billings was tried before Judge Dunne, Fickert and Brennan, prosecutors, McNutt defending. McDonald and Estelle Smith testified as before the Grand Jury. Mellie Edeau and her daughter Sadie testified that they were at 721 Market, and not at Steuart and Market, from 1:20 P.M. until after the explosion, that they saw Billings on the roof there with a suitcase between 1:25 and 1:30, that ten or fifteen minutes later they saw him on the street and saw him walk away with his suitcase in the direction of Steuart and Market. (Mellie Edeau's statements to Stout, Peterson, *et al.* were then unknown to the defense.)

Mrs. Hammersberg, Mrs. Mooney's sister, Mrs. Timberlake, her aunt, and twelve other witnesses testified to the presence of the Mooneys in their studio or on the roof from 1 until after 3 P. M. The defense had been furnished by the prosecution with dim police-made prints of Hamilton's films. In these prints the hands and figures on the clock are not distinguishable.

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Three witnesses testified that McDonald told them he was going back to Baltimore "on the cushions" if he stuck to his story and that Chief White had so promised.

The jury, however, apparently believed McDonald against all the witnesses for the defense. McDonald's was the only testimony connecting the defendants with the crime. The testimony as to 721 Market Street was immaterial unless linked to Steuart and Market, and McDonald was the only connecting witness. There was no physical evidence whatever connecting Billings with the crime. Unless McDonald told the truth the verdict against Billings was without support.

In the interim between the Billings and Mooney trials, the prosecution became aware that Hamilton's films, if enlarged, would show the time by the street clock and would impregnably establish the Mooneys' presence at 2 P. M. on the roof of 925 Market Street. This would controvert McDonald, who alone connected Mooney with the scene of the crime at or after 2 P. M. Fickert was in desperate need of a witness to testify he saw the defendants at Steuart and Market after the Edeaus *et al.* saw [?] Billings leave 721 Market at 1:40, and at such a time as to make it credible that the Mooneys could get from Steuart to the roof of 925 Market by 2 P. M. F. C. Oxman had made a statement before the Billings trial. Brennan publicly declared, November 13, 1920, that he had reservations to go to Durkee, Oregon, to see Oxman, but cancelled them for the reason that he considered Oxman's evidence immaterial. This early statement of Oxman's has never been produced. However, an affidavit taken by the Burns Agency at Kansas City on October 26, 1916, appears. Oxman stated:

> I arrived at San Francisco about noon. I was fronted by a multitude of people. I went to a hotel (The Terminal, one block from the Ferry) and left my grip. I had an early breakfast and I was hungry. I searched for a restaurant but all were crowded. I stood on the corner of Steuart and Market and my attention was called to a jitney, a Ford, because it forced its way through a mass of people, three people on the back seat, two in front, one of the five was a woman; two men from the rear seat got out, the second handed the first a suitcase of cheap leather. One placed the suitcase by the side of a brick building. I noticed them talking in a foreign language. One didn't return to the car, the other did and the car moved off. I crossed the street to the hotel and waited a few minutes and went to a near-by restaurant to get something to eat and while settling the bill I heard the explosion. The picture of Billings looks like that of the man that handed the grip to the other. The picture of Weinberg is that of the man who drove the car, as near as I can recognize it. The picture of Thomas J. Mooney is the man who remained in the car sitting by the driver.

This affidavit did not supply Fickert with what he needed. The time of the incident was obviously before 1:30, when the parade began to march, and even before 1 P.M., when Market Street was cleared by the police. If the jitney "forced its way through a mass of people" it was before the street was cleared, and such testimony would be irreconcilable with the time set by the Edeaus. Also, it was undesirable to have Mooney remain in the car. He must get out, to be consistent with McDonald. These defects were cured in Oxman's testimony against Mooney.

On November 21, Lieutenant Bunner went to Durkee and interviewed Oxman. Oxman told Bunner he saw a young man he knew, at Steuart and Market. On December 13, Oxman arrived at San Francisco, and remained in almost daily contact with Fickert's office until January 26, when he testified. On December 13, he told Fickert about seeing the young man, and that night wrote F. E. Rigall at Grayville, Ill:

> DEAR ED:
>
> Has been a long time since I hurd from you. I have a chance for you to cum San Frico as a expurt wittness in a very important case. You will only haf to anser 3 to 4 questions and I will Post you on them. You will get mileage and all a witness can draw probly 100 in the clear so if you will come ans quick in care this hotel. I will mange the balance. It is all O.K. but I need a witness. Let me know if you will come. Jan. 3 is the dait set for trial. Please keep this confidential. Ans. hear.

On December 18, Oxman wrote Rigall again saying:

> I thought you can make the trip and see California and save a little money. . . . You will only haf to say you seen me on July 22nd in San Frico and that will be easy dun. I will try to meet you on the way out and talk it over. . . . You know the silent road is the one and say nothing to anybody the fewer people no it the better. . . . F. C. Oxman. Will you want to return by Los Angeles can route you that way.

On December 27, Oxman and Fickert wired money, and on January 6, 1917, Rigall arrived. Thereafter until Oxman testified on January 26 he and Rigall were in almost daily contact with the persons connected with the prosecution. They went together to see Weinberg's jitney; the license plates were displayed to them. They dined with Fickert at the Cliff House. January 24 Rigall told Cunha, Fickert's assistant, who was trying the Mooney case, that he was not in San Francisco on July 22, and on the evening of January 26 he left for Grayville.

On January 26 Oxman testified:

> I came from Portland, Oregon that morning by train. I arrived between twelve and one. While I was standing on the southwest corner of Steuart and Market I saw all the defendants except Nolan driving east on Market Street in the face of the parade

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> marching west. I saw Billings and an unidentified man get out and place the suitcase. I then saw Billings and Mooney who had also gotten out talk at the corner. Mooney said "We must get out of here, the bulls will be after us." The unidentified disappeared. Mooney and Billings reëntered the car. It went south on Mission and disappeared. I bought some fruit at the corner fruit stand. I walked across the street to the Terminal Hotel where I expected a telephone call at 2 P. M. The clock there showed 1.45.

The counsel for the defense evidently were stunned. They failed to have the affidavit produced. They did not know Oxman registered at Bryns Hotel, Woodlands, Cal., eighty miles away, that morning and came from Woodlands and not from Portland. They did not ask by which train he arrived. They knew nothing about Rigall, or Oxman's letters to him. Oxman was not impeached. It is not quite impossible that the Mooneys could have reached the Eiler's roof from Steuart and Market between 1:45 and 1:58. Oxman's story was believed by the jury.

The papers of February 14 carried a statement by Fickert saying he had three witnesses to corroborate Oxman, including "John Regal who will corroborate Oxman detail by detail."

On February 24 Judge Griffin sentenced Mooney to death.

In April, the defense obtained the Rigall-Oxman correspondence. It was published and shown to Judge Griffin, who declared he would have granted a new trial, if he had known of it before he pronounced judgment. Judge Dunne publicly stated he believed Billings guilty and Oxman innocent. On April 16, Estelle Smith made an affidavit declaring Oxman had tried to bribe her to testify she saw Weinberg at 721 Market. On April 25, Griffin wrote the Attorney-General. Meanwhile, Judge Brady, after hearing Rigall and Oxman, had held Oxman for trial. The Grand Jury, after hearing Fickert, Cunha, Rigall, Bunner, Matheson, *et al.*, adopted a resolution praising Fickert for his courage. Fickert there testified Oxman told him on January 8 that Rigall was not in San Francisco on July 22 (*cf.* Fickert's public statement of February 14, above). Bunner and Matheson testified that Fickert had asked them to meet Rigall and get the Oxman letters away from him. On April 28 the Chamber of Commerce published large advertisements calling upon all good citizens to support Fickert.

In September, Oxman was tried for attempted subornation of perjury before Judge Dunne. He was "prosecuted" by Assistant District Attorney Benjamin, of Fickert's office, and defended by Samuel Shortridge, who was engaged by Fickert and paid by the Chamber of Commerce. Oxman was acquitted.

In September, also, Weinberg was tried. Eighteen police officers, stationed in the vicinity of Steuart and Market on July 22, testified to the effect that no jitney passed between 1:30 and 2:06 P.M. Sadie Edeau admitted "identifying" the defendants before seeing them. Detective Smith and Chief Peterson testified that Mrs. Edeau told them her physical body was at Steuart and Market but her astral body was at 721 Market Street. Weinberg was acquitted.

On January 22, March 27 and June 4, 1918, President Wilson wrote Governor Stephens urging a new trial or a commutation of sentence for Mooney. Meanwhile, Fickert had filed a brief with the Governor, stating, "Those who sank the Lusitania and Mooney and Billings were agents of the same principal."

On November 13, 1920, prosecutor Brennan, Billings' prosecutor, stated publicly that Billings' conviction was obtained by fraud and perjury. On the same day, Detective Hand declared that Oxman told him he was committed to perjury and was following the program set for him by Swanson, that he, Hand, coached Oxman and the Edeaus, who also told him they knew nothing.

In 1921, the Grand Jury heard testimony on charges of perjury against Oxman. Earl Hatcher and his wife testified that Oxman was with them at Woodlands until 2 P.M. on July 22.

On April 18, 1922, District Attorney Brady, Fickert's successor, wrote Governor Stephens that Oxman's testimony was false and that McDonald had offered to testify before the Grand Jury that his testimony was false, if he were given immunity.

On October 22, 1926, Mooney renewed his application for pardon to Governor Richardson, supported by eleven volumes setting out verbatim testimony and relevant documents. The application was denied.

In August, 1928, Mooney renewed his application to Governor Young.

From April, 1917, to date, Judge Griffin has labored unceasingly to secure justice for Mooney. He is supported by nine of the ten living jurors, by Brady, Brennan and Captain Matheson, head of the Bomb Bureau, by the confessions of Estelle Smith, McDonald, Alice Kidwell and Hand, the impeachment of the Edeaus and by documents proving Oxman's testimony rank perjury and the convictions of Mooney and Billings the fruits of a conspiracy by Fickert and Swanson.

In December, 1928, Governor Young wrote Judge Griffin and others that he would read the record and act on Mooney's application *as soon as* he could find time to do so. Mooney and Billings are still confined in California penitentiaries, despite an impregnable demonstration of their innocence, because they are the symbols of a great victory of the open-shop forces of California over the aggressive element of organized labor. Swanson and Fickert were the agents of these forces.

HENRY T. HUNT.

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Washington Notes

ONE of the most interesting things in Washington these days is the tense effort of the so-called party leaders and so-called political publicists to understand the so-called Hoover politics. Ultimately this may become clear to them, but the net and not very satisfactory result to date is an epidemic of headaches and dizzy spells among both classes, with practically no illumination of the subject at all. During his struggle for the nomination and later, the extreme practicality of Mr. Hoover's politics left little to be desired. He exhibited an understanding and appreciation of political organization and machine leaders most gratifying and encouraging, from the machine angle. The idea that, as President, he would not play the game in the traditional Republican way was dismissed from their minds, and certainly in the campaign he had associated closely with him as hard-boiled a group of old-style politicians as there are. And he dealt with them on understanding terms.

After his election, Mr. Hoover cut himself off from political contact by the South American trip. At Miami he was not easy to reach, and seeing him at the S Street house before the inauguration was largely a matter of invitation. So not until after he became President was there any chance for contact. In the last three weeks quite a few people have established—or at least, tried to establish—contact. The results from their point of view have not been wholly satisfactory. They by no means clarify the whole general subject of administration politics, but at least some things not without significance are revealed. For example, the bottom apparently drops out of the belief that the Secretary of War, the amiable Mr. Good, whose political purring was so effective in those critical pre-convention days, is to be the political manager and adviser for Mr. Hoover, and that he was appointed primarily because of his political experience and contacts with the view to relieving the President of the worry and bother of patronage and political problems, leaving him time to concentrate upon the more congenial and constructive side of the presidency. Long ago, the notion was abandoned that Dr. Work, Chairman of the National Committee and one of our cloudiest and most confused political thinkers, would guide the Hoover administration politically. The complete ineffectuality of the good Doctor was so apparent that all save the most credulous observers grasped his true position, and swung to the conviction that the real political man would be Mr. Good, with Postmaster-General Brown, that suave and seasoned product of the Ohio school, as an additional aide and adviser.

However, the two major political steps taken by Mr. Hoover since he entered the White House tend to prove that neither Work, Good nor Brown is officiating as political mentor and adviser. They suggest that Mr. Hoover is doing his own political thinking and solving his own political problems, which is contrary to expectations and predictions based on a belief in his inherent distaste for such problems. It has been completely established, for example, that both the White House conference of New York leaders, in which a compulsory harmony program was laid down and put into effect, and the more sensational statement in which the old black-and-tan post-office-selling organizations of South Carolina, Mississippi and Georgia were repudiated, originated in the capacious mind of Herbert Hoover and nowhere else. Mr. Brown and Mr. Good were told of the Southern-patronage statement before it became public, and agreed it was sound and right, but they trailed Mr. Hoover in this, conceded to be the most radical political departure from precedent made by any Republican President of recent times.

Aside from the practical effects of these doings, the interesting part, I think, is the extreme state of uncertainty into which these developments have thrown the so-called party leaders. For the most part stiff-minded, tightly wedded to preconceived ideas, and sticklers for precedent, they are unable to comprehend the Hoover type of President, because it is so completely different. Most of them have been going on the assumption that the President, being almost wholly without political experience, and concededly having no liking for politics as a pastime, stands in need of and must have a political wet-nurse in order to keep out of trouble with the politicians, now that he has managed to get into the White House.

It is enormously disconcerting for them to find he neither needs nor uses any such thing, that actually he has as clear a grasp of practical political facts as any politician, that he is not only thoroughly informed as to who's who and why in the party organization, but, as he is equipped with better mental sight, sees farther and deeper into a practical political situation than any of his aides. In other words, it is exceedingly disturbing to the old-time party leaders to discover that Hoover, the amateur, has put his mind on the politicians' particular specialty and knows more about it than they do. It will take some time for this simple fact to seep in, but it is true. The political aides of Mr. Hoover, such as Mr. Good and Mr. Brown, are to be used, not to determine political policies, but to carry out the details after they have been determined. They are to be used as buffers and "contact" men, but not as problem-solvers. The problem-solver is in the White House.

Now none of this means that Mr. Hoover has suddenly acquired a liking for politics or has suddenly developed a facility for playing the game. What it does mean, it seems to me, is that, recognizing the importance of politics and patronage to his administration, he does not propose to delegate any vital decisions to any aide. On the other hand, he has put into effect a system that relieves him of political pressure, makes it difficult for the job hunters to get to him, and puts the administration politics on a somewhat higher plane than it has been before. How his scheme will work out remains to be seen. There are, of course, plenty of skeptics. There are not lacking persons to say that this "high plane stuff" in the South will not get anywhere. There are some who forecast a resentment among the Negroes that will prove a serious obstacle to the Hoover renomination in 1932. But this, in my judgment, is the veriest nonsense. To consider that the renomination of a Republican President can be seriously affected by the repudiation of a handful of crooked Negro and white politicians in three Southern states which—

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even in 1928—were unshakably Democratic, is too absurd. It is true that, so curiously great is the fear among Republican leaders of losing their basic asset, the Negro vote, no Republican President of the past has even so much as publicly mentioned the scandalous sale of federal offices in these states, though there have been few who have not writhed under knowledge of the disgusting conditions. Nevertheless, it is only necessary to think the thing through to understand that, so far as renomination is concerned, the Hoover action will strengthen rather than weaken him. It was bold stuff because it was new, but it was a long way from being either reckless or impulsive. Our Herbert is never either one, and the mouthing of the politicians about the dreadful risk he runs is a more striking proof of the statement made above, that this new and amateurish politician in the White House knows more real politics than the professionals, than any other I can think of—which, however, when you look at the shape of their heads, ought not to be surprising.

T. R. B.

Washington.

Journey's End

Journey's End, by R. C. Sherriff. Henry Miller Theater, March 22, 1929.

WHEN a play has so moving and complete an effect on audiences as the English war play now at the Henry Miller Theater, and is received with so lively a response and reverence, its news spreads fast. Many people have already heard that "Journey's End" was written by an author not familiar to the profession, that it was first given under more or less amateur circumstances, and afterward produced at the Savoy Theater by Mr. Maurice Brown, and that it has become one of the events of the London year. And many people, under the sting and emotion of such a play, are sure to say that it is the English answer to "What Price Glory?", and very much better; and that it is one of the greatest plays ever written—I have already heard both these remarks several times.

The story of "Journey's End" is a unique and poignant one, and turns on hero-worship, nervous degeneration under the strain of the war, force of character, youth, love and kind death. The play has essentially something of the quality of a novel, so single and inward is the thread of its story, a novel with the sounds and lights of a supplementary atmosphere and with divisions for profoundly effective curtains. We see the transfer of one company to take another's place behind the lines. A good deal is told us of Stanhope, who is now in command—he is a fine officer, he has been in continuous service without leave of absence for more than a year, and under the strain of it has become a heavy drinker; his drinking, his bursts of temper, his devotion and tireless labor are bywords among his men. Young Raleigh comes. To the second officer he tells more of Stanhope, how Stanhope's father and his father were friends, how Stanhope had been his hero and was three years ahead of him in school, had visited his home, become engaged to his sister, how he had asked his uncle, the general, to be put into Stanhope's company, had been rebuked but next day found himself listed for it. Then Stanhope appears.

He resents Raleigh's coming into his company, he is maddened at the thought of the boy's letters home and of his hero-worship, now that he sees what his hero has grown to be. He proposes to censor these letters, and wrests the first one of them from Raleigh's hand. It contains only loyal praise. We have dug-out scenes scattered along, comic matters of food, slackers, and so on, and so on, and finally the colonel proposes a raid, in order to get a German prisoner with possibilities of information. Osborne, the second in command, the wise schoolmaster, Stanhope's best friend, his Horatio and guardian, is chosen, and with him Raleigh, ten men under him. The raid is made. Four men and Raleigh come back alive. All Stanhope can say is to order Raleigh off Osborne's bed. In the next scene Raleigh does not come to the champagne and chicken supper served by way of celebration, there is a row between him and Stanhope, which ends by Stanhope's breaking down and crying, he can hold up no longer. Then finally the expected attack begins. Stanhope has had the position wired in on all sides, no one can escape or surrender. Raleigh is brought in wounded. Stanhope is alone with him, Raleigh dies. Stanhope joins the fight outside, as a shell crashes the entrance to the dug-out.

It is necessary to set down at such length the story of "Journey's End" because so much of the play's credit and effect lies in the story.

Taking "Journey's End" as drama you could not say that the actual writing—the lines, words, rhythm of speech—is notable in any way, it is merely average, in fact, though it is never cheap or false in intention. The play would gain in content by the presence of at least one person more profound than any shown to us; Osborne, the schoolmaster, may be intended as the intellectual element, but he is only a mild study out of a mild novel; Stanhope, with his highly-strung nervous system, has the only brain in the lot. And a number of the scenes, though their purpose is right and their place in the plot right, are not yet quite written and if we heard the play for the second time would come off pretty flat—the scene, for instance, where Raleigh learns that the schoolmaster has been a football celebrity, or, and more so, the scene at dinner after the raid, when the rotter in the company, expanding under the balm of his liquor, is letting us see into his mind. In such scenes the writing lacks all pungency and point, and is not even promising as theater talent.

It is in this respect, that of writing, of words, of bite and pungency, flash and sting and bravura and gusto, that "Journey's End" compares least well with "What Price Glory?". "What Price Glory?" is more cerebral, too, and vibrant than this new play; the whole rhythm and pulse is higher, the texture far richer. The picture of the War is lustier and truer, with more virility and irony, and is more substantial. Indeed, the picture of dug-out life that you get in "Journey's End" has at best the sentimental value of certain sorts of fiction; it is obvious on the face of it that if all that group of men we see there were no more intelligent than they are, there would be more brutality in judging their mutual states of mind and more stupidity and cruel lack of imagination; their shadows and lights would be blacker and whiter and their savors stronger.

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The gallery of characters in "Journey's End" is more familiar, as types go in fiction, and more predictable than those in "What Price Glory?", who represent a more surprising creation and solid talent. On the other hand, this English writer does not rely so much on edge and point, punching things in and smarting them up, as our American writers did; and in the production of his effects he avoids all the benefits of obscenity, profanity, and burly irreverence, on which the other war play drew so heavily. In all these matters, vigor, frankness, gusto and solidity, you could say that "What Price Glory?" tends to hark back to the Elizabethan, where "Journey's End" savors of modern fiction and sentiment.

Its mediocrities, then, are apparent, but the strong points of "Journey's End" more than balance them. There is, first, the unescapable story, this record of a fine, high-strung young man, mastering his fright and fighting his exhaustion with drink, and the boy whose hero he is, their distance apart, their affection and silences, and at last the boy's death, with a whimper like a hurt child, and the other sitting by him a moment and then going out where death is waiting for him, too. The scenes between these two are the best moments in the play; they are, in fact, stirring and convincing, wholly and deeply dramatic.

There is the study of Stanhope, the leading figure, which is the most subtle and sustained creation that we have had in the theater for a long time. It is fresh and close, and it profits by the author's lack of a professional craft that might have led him to ladle it out more obviously. This role profits also by the acting of Mr. Colin Keith-Johnston, who plays it with fine intensity and understanding. As for the company in general, if you mean acting like that of the Moscow Art Theater in Gorki's "Lower Depths," with all the infinite pains, shading, poignancy and color that we saw there, the acting of this British company is one thing; but if you mean the average standards, it is consistently fair, well directed, and adequate. There are instances, such as Mr. Evelyn Roberts' Captain Hardy, or Mr. Leon Quartermaine's Lieutenant Osborne, of a special kind of English self-consciousness, but for the most part the performances are good. The best of them are Private Mason, who serves the mess, and the fat Trotter, good English character-acting by Mr. S. Victor Stanley and Mr. Henry Wenman.

There is the story, then, there is the study of Captain Stanhope, and there is, finally—the dominant quality of "Journey's End"—its lyricism. The most striking thing about this English play is this underlying poetic feeling, not a poetry of the imagination so much, but rather a poetry of human concern. The noise of the front outside, the darkness and danger, the problem of war, really come to very little in the sum of our impression; what we follow is that still small voice, most hidden and inner, of what these beings feel within themselves and about each other. The best things in "Journey's End" are not so much written there as they are felt by the author. It is a voice old in English poetry and daily interest, but, though we seem to feel its appeal, less remembered by us. It flowers in such legends as Sir Philip Sydney, in Shakespeare and in common writing—a tenderness toward all life, a concern about the individual's details and state of mind and his relation to other men, a sense of our human life as complete and absorbed in itself, romantic and subjective. Through this innate lyricism "Journey's End" finds the basis on which it rests, and becomes true in its own way, and, with its sentiment, shyness and passion, is so moving and beautiful.

STARK YOUNG.

What's Right with the Theater?

TOO much has been said about the disastrous situation in the theater this season. It is time for us to look on the other side and ask, "What is right with the theater?" instead of "What is wrong?" Paradoxical as it may sound, it seems to me that the answer to both is the same. What is right with the theater today is also what is wrong with the theater today: it is in process of becoming an art and ceasing to be a business. And a very good thing on the whole for all concerned. Naturally, all periods of transition are difficult, and the suffering is more apparent than the ultimate benefits of readjustment. But a glance into the future will show up more than one rift in the clouds that seem at present to be hovering over Broadway and its kindred thoroughfares.

Half a century or so ago the theater in America was, I gather, for the managers and the actor-managers of that day, a pleasant and sympathetic way of earning a living—that rare combination of a job with an avocation which results in an interesting life and moderate profits. I do not remember hearing that Lester Wallack, or Boucicault, or Augustin Daly, or E. E. Rice, or even Charles Frohman, died wealthy, even as wealth was computed in their own day. Then along came the organization of the theater into combinations on a large scale, and the gesture behind production changed emphatically from pleasure to profit. In the years that followed, the theater became frankly a business, and a good business at that. Organized on what then seemed a large scale, the legitimate theater was probably the most profitable branch of the whole business of public entertainment. And then an inventive genius produced a camera able to take twelve shots a second and lo, the whole picture changed.

The first logical effect of the motion picture was to displace the old "ten-twent-thirts." The cheapest form of legitimate theatrical entertainment made way quite naturally for a still cheaper form in the sense that machinery, mass production and distribution made the cost for each individual playhouse proportionately less. The entertainment substituted was quite as good—and perhaps better, though those early motion pictures were nothing to boast of—and the last of the "ten-twent-thirts" provided a thrill for the adolescent theater-goer that is hard to forget. Nevertheless, puerile as the appeal of the first motion pictures may have been, a trip to Hoboken's revival of "After Dark" compels one to believe that it was a shade more mature than that of the old "meller."

The second inevitable encroachment of the machine was in the province of the touring company—"the road." We have heard much of how the mounting costs of railroading and salaries, the star system, inadequate casting,

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and misleading billing, moved in a vicious circle to cheapen the output and alienate road audiences. But these were inevitable efforts to meet the competition of this new entertainment which had novelty, nominal running costs for the theater owner, and could preserve a uniform standard of production in New York and Kamchatka.

The immense possibilities of profit in the motion-picture industry soon secured enormous capital backing, and the legitimate theater had to assume second place in the business world of entertainment. From the first motion-picture camera to the talking picture was an inevitable progression. It is all very well for the jaded few, who enjoyed the brief moment of silence that a movie used to provide in the "immense disturbance" of modern life, to protest against this invasion of sound; but it was an absurdity to use, on the silent screen, pictures of human beings moving their mouths with no speech forthcoming, and not to correct this anomaly as soon as the means were found. Scenic and actual pantomimic pictures had, alas, not proved commercially important.

Now the motion-picture industry has already proved itself big business, and once the machinery of the talkies is perfected, it promises to be bigger business than ever. Naturally the ambitious and energetic business man of the legitimate theater will respond to this lure, and who will be left behind? A very few managers to whom the legitimate theater is still the breath of existence, their only genuine medium of expression; a few more who are merely smoke-screens for the motion-picture producers; some little merchants content with small profits; shoe-string gamblers; and one other class—the artists.

This doesn't mean that motion-picture money will not lure a great deal of talent from the legitimate field. At the present time, finding themselves suddenly dependent in this new field on actual theater experience, the motion-picture producers are sending out a golden S. O. S. to actors, directors, and writers, which, combining as it does a heart-breaking appeal with a huge salary, is almost irresistible. Already enough good material has been drawn away to lessen the legitimate output at a time when, owing to the enormous overbuilding of theaters, the field could absorb infinitely more than ever before.

But the real artist in the theater is never, I believe, going to find full creative satisfaction in the movies. In the case of the playwright, this is obvious; he becomes merely an adjunct, an adapter, a sublimated caption writer. But for the actor it is equally true. Sooner or later to the work of the genuine artist must come the rhythm of creation. Unless at some time he is possessed by his inspiration, instead of being in control of it, he will never know the real joy of his work or achieve its best results. While the art of acting seems to be a synthetic art, the actor digging gradually deeper and deeper into the playwright's meaning and adding layer by layer his interpretation—partly evolved from within, partly suggested by the actualities of playing—at some time during the course of a production there must come into the rehearsals a mastery of all the technical elements, a merging of all details into a rhythmic whole which sweeps the actor along and creates for the first time the actual mood and tempo of the scene. To see a great actor in the grip of this inspiration is a fine experience, and to break in upon it by a word or a motion is to bring down upon you, deservedly, the wrath of the gods. Now, anyone who has ever seen a talkie in production will realize how impossible this smooth, curved line of inspiration is in the studio. Even when the mechanism is perfected, it is difficult to see how a form that defies the logic of time or space, combining scenes in production for practical reasons irrespective of their sequence in the story, can ever achieve a profoundly realized creation of character. For that reason, I believe that, though the fine actor may be tempted by money to forsake the theater for the pictures temporarily, he will inevitably come back to the old gods, and each time he will come back with more relief and keener desire. And each time he comes back he will, let us hope, find the theater becoming a more satisfying place of refuge, clearer in its artistic motive, less cluttered by mediocrities.

For the moment, in the production centers at least, the talkie audience has not yet drawn drastically on the legitimate theater audiences. So far, the pictures have taken their own audience with them in this new development. But once the mechanism and technique of the talkie has reached a point where it creates an illusion of reality equal to that created by the stage, it is safe to assume that it will devour the cruder and more obvious forms in the theater, just as its parent wolf, the silver screen, devoured the Little Red Riding Hood of the "mellers." Why should not the mystery play, the crook play, the play of trick values or sheer story interest, be done as well—and better—with the aid of the thousand tricks of the camera and the unlimited scope of picture production? And the appeal of these plays is to the mass audience of the movies. D. W. Griffith has been quoted, correctly or incorrectly, as saying that in five years there would not be a single legitimate theater left in America. This seems to me a slightly optimistic point of view, even for a motion-picture producer. But it is, on the other hand, very likely that only those plays which depend on the most intimate values for their projection, or on the picked quality of their audience for their appreciation, will be left to the legitimate theater.

But once we begin to look upon the theater as an art, the whole problem becomes simpler. What matter if there are fewer theaters, if those that are left house better plays? What matter if there are fewer actors, if those that are left are the finest? And the finest will be needed, for the better the play the more difficult the interpretation. I can imagine no more alluring prospect than that, of the eighty-odd theaters in New York, seventy should be given over to the movies and the talkies, and that of the dozen or so left two or three should be housing a repertory of great plays; others, fine comedies of a kind too subtle or too sophisticated for motion-picture consumption; others, modern plays too fearless or too full of real thought to make them popular with the lowest-common-denominator mentality that mass production must attract. Then we would indeed have a golden age of the theater. Theater-going would be a rarer, but a much more real, pleasure, and that vast audience which has of late deserted the theatrical pasture for the safe paths of music and literature may come back into the fold.

THERESA HELBURN.

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Joan of Arc

THERE is now being shown in New York (at the Little Carnegie Playhouse) a remarkable French film, "The Passion of Joan of Arc." It was directed by Carl Dreyer, and is the same film which was banned by the censors in England, apparently on "patriotic" grounds because it shows the English soldiers in a none-too-pleasant light. Dreyer's is still another version of the Joan legend, or rather an original point of attack, for he has built his entire drama about the last six hours of her life, the inquisition, and the trial, the burning at the stake—the passion.

This is a cinema masterpiece of its sort—one has come to use the word sparingly these days—but a masterpiece that will probably be without issue. For the very technique that has made it so impelling and ruthless, a technique that Dreyer has evolved with diabolic skill, could not survive in different hands, and with a theme less dignified and moving. Fundamentally, the film is uncinematic, done in a succession of amazing close-ups (Joan herself is only shown three times in full length); a succession of beautiful images, filmed against a white back-drop without benefit of make-up, and animated only through the mobility of the faces, the titles, and the fluency of M. Mate's camera.

It is an abstract film, despite the fact that the drama is both actual and subjective. Dreyer has conceived it entirely from Joan's point of view, both physically and emotionally. She is always photographed as if looking up, and we are always below the judges, looking up at them, so that they appear to us in the same relation that they do to Joan. It is a Joan already crushed before the film even commences, tortured, eternally supplicating. As the granitic faces of her accusers, like sculptures in motion, close in on her with a swift relentlessness, they crush us as they do her. As they emerge from the void, each in turn to confront Joan's consciousness, they take on the resistless quality of bronze and stone.

Dreyer, guiding his camera by the intensity of the drama, sweeps from mouth to mouth, lighting on a significant detail, a fraction of a face that he throws across the screen on the diagonal, as Joan would have seen it. His is a visual continuity, rather than an actual one. Gigantic, grotesque, the judges swoop across the screen with a thrust that has its own dynamic quality.

The film, as a whole, and each particular grouping, has the luminous clarity of Flemish painting—Dreyer himself is Danish—a mannered realism that is quite uncompromising in its insistence on physical detail. The actors who try to entertain the crowds before the burning have the picaresqueness of Jerome Bosch. "The Passion" is a triumph of the particular over the general. Image succeeds image according to the dictates of a highly sophisticated, self-conscious art sense. Like Flemish painting, it never gives one the feeling of spontaneity or fluid mass that Eisenstein and the Russians do. It is not reality as the Russians see it. Dreyer's mobs are always composed of individuals. But, like Eisenstein, he has a superb sense of casting to type. Each picture is a portrait, and the film is composed of them; still portraits, made dynamic through Dreyer's amazing cutting and camera work.

The acting is quite without flaw. Mlle. Falconetti, as Joan, with her marvellously mobile face and the heavy, muscled hands of the peasant, is always the Italian *mater dolorosa*. M. Sylvain's Bishop Cauchon is very subtly done. But "The Passion" is preëminently a photographer's achievement, and Dreyer, with his own technique, has for once given the cinema a three-dimensional film that needs neither color nor sound to augment its catharsis.

EVELYN GERSTEIN.

CORRESPONDENCE

On Judging Art

SIR: In a recent issue, Lewis Mumford takes me to task for calling Walter Pach an esthetic prig and questioning his competence as an art critic in "Ananias, or The False Artist."

As a designer of stage settings, I can understand how much better Mr. Pach's "wicked sallies" sounded against the background of "a country lane, warmly pungent with the smell of new-mown hay or wild mint" than in the "cold pages" of "Ananias." But as a critic I think it far less important to re-consider these pages in the setting of a "blue sky" and a field of chicory where they were rehearsed, than to see them against the background of modern art, where they remain a deplorable attempt to substitute vituperation for analysis and cant for criticism.

I used the word prig in a most exact sense in maintaining that Mr. Pach attached false moral values to the motives of other artists, exaggerated virtues to his own personal tastes, which, as far as most of the academic paintings he cites are concerned, have been accepted commonplaces among amateurs of painting for the past twenty years. Is the general public, eager to understand the values of modern painting, any better off when Mr. Pach, in the name of the great masters, calls Sargent a liar, than it was when Kenyon Cox, in the name of the old masters, called Matisse a lunatic? Would anyone be brought "forrader" if I adopted Mr. Pach's critical method and called him Ananias and a false artist, because, with a good many others, I find him, as a painter, quite as second-rate in emulating the tradition of Cézanne, as Sargent aping the technique of Hals, or Kenyon Cox copying the methods of Veronese?

Let me remind Mr. Mumford that Rockwell Kent, as good a hater of academic painting as exists, confirmed my conclusions in his review in the current Bookman. They were anticipated by Thomas Craven in the Book League Monthly for February, who titled his review "The False Prophet." No one can accuse Mr. Craven of a sneaking sympathy for Meissonier or Bouguereau. As my predecessor in editing Creative Art, Mr. Kent championed American modernists, and I have continued that policy. Is it not significant that the three of us should have repudiated Mr. Pach's methods as a critic? We all felt, I think, "If this is a defense of modern painting, Heaven defend modern art from some of its friends."

Mr. Kent insists, as I did, "There is, in this book of criticism too little of even an attempt at establishing critical bases. . . . As to Mr. Pach's basic tenet—that one just knows what is beautiful—it is the same as the critical credo of Royal Cortissoz. . . . And when by that method the 'Dean of Critics' finds the work of Dewing, Sargent, Frieseke *et al.* to be beautiful, and Walter Pach does not, it seems irrelevant. 'Mr. Pach, shake hands with Mr. Cortissoz.'"

Mr. Mumford, of all people, should know better than to imply that there is no alternative to saying, "You picks your critic and you takes your choice," or that only in recent years have a succession of books attempted to analyze the formal content of pictures. In 1896, Bernhard Berenson published the first of four brief volumes on the Italian painters of the Renaissance which were epoch-making and achieved a complete revaluation of Renaissance painting by analyzing its formal content in terms of tactile values, functional line and space composition—terms that later became the basis for our critical appreciation of Cézanne,

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and the current analysis of his art. More than twenty years ago, Meier-Graefe, in his "Spanish Journey," taught his generation to see El Greco and to underestimate Velasquez, without resorting to the fulminations of a third-rate revivalist. In comparison to such masterpieces of modern criticism, Mr. Pach's book remains so much sound and fury, signifying nothing more to the laymen than that he may sneer at a certain number of painters and be on the safe side.

Interesting in this connection are Mr. Mumford's objections to Spengler's method, in the same issue of The New Republic.

> There are two difficulties that stand in the way of examining Spengler's theories. One of them is that one must . . . accept his endless statement of commonplaces in his own dialect. The other difficulty is Spengler's amazing and inordinate bad manners: he has a pleasant way of trying to demolish an antagonistic theory . . . by abuse, and he has the impudence of the modern advertiser in his tendency to bludgeon his generalizations home by repetition instead of by proof—all reinforced by a curious habit of identifying his pronouncements with those of God Almighty.

Perhaps a critic of art cannot be judged by the same standards to which a critic of civilizations can be held accountable. In any case, Spengler suffered under the great disability of not rehearsing Vol. II of "The Decline of the West" as a series of wicked sallies, in a country lane warmly pungent with the smell of mint and new-mown hay.

LEE SIMONSON.

New York City.

SIR: If the reader is stimulated by Mr. Simonson's reply to look at my article again, he will see that the title is, "On Judging Art," and that Mr. Simonson has not really answered my main contention. I am not ignorant of attempts to analyze the formal contents of pictures, before the writers I mentioned: in English criticism alone, one finds the beginnings of such an effort in Hogarth; but the notable work that has been done in this department does not invalidate my concept of the whole nature of the critic. Mr. Pach's work is obviously of a polemical character; and the style of polemics, in contrast to that of history or criticism, is necessarily peremptory, and calculated to unsettle, arouse, and alas, provoke to anger. The habitually polemic writer is a nuisance: but there are times when this method of writing is the only one appropriate to one's subject and intention, and I think Mr. Pach chose his method well. As for the basis of one's confidence in a critic, Mr. Simonson has really not touched, much less shaken, my point: if I "should know better" he has not shown me what it is I should know.

LEWIS MUMFORD.

New York City.

Stuart Chase and T. T. Read

SIR: There appears, in your issue of March 6, Stuart Chase's "A Billion Horses," and I note with interest that he begins his second page with a quotation from an article of mine. Neither the superciliousness nor the inaccuracy of his reference to me as "an enterprising statistician" and such a person that "one is more impressed with his courage than the final accuracy of his figures" gives me any concern; but I do object to the incorrect text with which he has surrounded my table of figures that he quotes. It reveals no glimmer of real understanding of the subject. If you will refer to the full text of my article, cited in the May, 1926, issue of Mechanical Engineering, you will find that the table of work-output that there appears required no courage to publish, since it applied a series of assumptions, all within the limits of probability, to some fifteen countries, and then calculated, from their own consumption of energy-producing minerals, these countries' output of work.

Mr. Chase goes on to say, "Tables like this are usually gorgeously exaggerated, being based either on money values or the best possible continuous performance." Why he should thus deliberately misrepresent my figures, after putting over them his own misleading caption, "Relative Production," is incomprehensible. It is quite possible that he did not read the text accompanying the figures and thus did not learn, what is there made clear to the dullest mind, that they are not based on money values or on "the best possible continuous performance," but if so, why should he take it on himself to make an untrue statement without endeavoring to ascertain whether it had any coloring of truth? It seems probable he has never read the article, as the table he quoted does not appear in Mechanical Engineering, but in the Atlantic Monthly for March, 1927.

After mis-labeling, as relative production, my figures estimating relative output of work, Mr. Chase gives Mr. Tryon's figures as to energy, and Mr. Low's as to capacity of machines, without any evidence that he understands the difference between them. Every schoolboy knows the difference between capacity and work and is aware that his father's 40-horse-power automobile stands in the garage, or parked somewhere, most of the time without doing any work. Neither is energy the same thing as work. Mr. Tryon, who made his calculations after mine were published, avoided the assumptions I found it necessary to make to calculate work-output, by simply calculating energy, which is not, I think, so easily understood. That, however, seems an unnecessary refinement, since Mr. Chase seems not to understand either.

My table in Mechanical Engineering was not one of relative production, but of actual output of work in fifteen countries of the world, the calculations being based on clearly stated assumptions which, with the exception of the lignite in Germany, were the same for all countries. This work was tabulated under four headings: human, and that produced from coal, petroleum, and water-power respectively. Dividing the total of these for each country by the total for China gave the relative order of work-output which Mr. Chase wrongly labels production and wrongly credits to Mechanical Engineering though it appeared in the Atlantic Monthly. I have no objection to his using it as a probable index of production, because I do not know any better method of guessing at probable productive capacity, but I object to his misuse of my figures, coupling with them such flapdoodle as "a Chinaman must eat as well as a realtor of Zenith, and must eat probably at least half as much by weight, if he is to keep healthy." May I suggest to Mr. Chase that quoting other people correctly is worth consideration as a health factor?

THOMAS T. READ.

Scarsdale, N. Y.

SIR: I am grateful to Mr. Read for his correction, which will be duly made when my book is published. I took his figures from a secondary source which I thought reliable, the heading reading "Relative output per capita," instead of "Relative output of work per capita." Both classifications are an index of mechanization, but the latter, not meaning strictly physical goods, does not deserve the kind of qualifications and warnings which I saw fit to make. I did Mr. Read an injustice and I apologize for it. I quoted his table because it was altogether the best which I could find for the purpose on hand. May I say, however, that if one stands quite so belligerently *in loco parentis* to one's figures, he should keep away from world estimates. They are always fair game for any roving critic.

If Mr. Read had re-read my reference to Mr. Tryon's table of energy and the government's table of horse-power he would have seen that I know the difference, and pointed out the difference, between them. My specific purpose was to give three different indices of mechanization—output of goods, energy, horse-power.

STUART CHASE.

New York City.

Progressives in the Senate

SIR: The people of every state know and understand the national and state figures for President and the state figures for the Senator, Governor, etc., *in their own state.* They do not, as a rule, know and understand the state election results for Senators, etc., in other states.

Taking advantage of this fact, an effort has been made to

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keep the American people from understanding the momentous result of the last election, namely, the election, usually by huge majorities, of eighteen progressive Senators (a clear majority of the batch just elected) in spite of the Hoover tidal wave.

Whether Hoover is reactionary, liberal, or conservative is beside the question. A good many liberals and progressives and labor men voted for him in the firm belief that he is, or will turn out to be, liberal. But there is no question that he received the support, like Harding and Coolidge, of an overwhelming majority of the reactionaries and business interests. And this is what gives importance to the lead of the progressive Senators over the Hoover vote.

Presuming on the prevailing ignorance of senatorial election results in other states, the great majority of leading editors and correspondents, especially in the East, refer daily to the November election as a crushing defeat of progressivism!

Walter Lippmann, of The New York World, writes that Smith lost votes in appealing to the "old" progressivism which, he says, has been killed by "mass production, high-pressure salesmanship, popular credit and popular ownership of securities." The old or La Follette progressivism, he says, is not only decadent but dissolved. The well known Washington correspondent of The New York Times refers gaily to the "remnant" in the Senate of "that little band of insurgent Republicans that used to rally round the late Senator La Follette." And in no leading news organ of national circulation do we read one word of the most revolutionary advance bipartisan progressivism has ever made in this country and that in the very face of the overwhelming difficulties caused by the Hoover landslide.

Nowhere in the East can the reading public discover that the progressives will appear in Mr. Hoover's Senate on April 15 not only in undiminished numbers but with the moral backing and prestige of sensational majorities never before equaled under similar circumstances in this country.

Here are some of the leading facts of the smashing progressive victory:

1. Of twenty-two progressive candidates for the Senate, eighteen were elected.

2. The four progressives defeated all gained substantially on Hoover and were defeated by narrowed margins.

3. Nine states carried by Hoover elected progressive Democrats and one Farmer-Laborite (Shipstead).

4. *Progressive candidates in nine leading states (four Republicans, four Democrats and one Farmer-Labor) led Hoover by 2,068,000 votes.*

5. *Progressive candidates in five smaller states led Hoover by 19 percent of the total vote cast!* . . .

Even those few progressives who were defeated did immensely better than Hoover's conservative or reactionary senatorial running mates. There may appear to be one exception. Cermak in Illinois was beaten by a quarter of a million votes—a bad defeat, but after all not so bad in a total vote of over 3,000,000. This is offset by the fact that, hammered by the progressive Cermak, the reactionary Republican who was elected (Glenn) ran 174,000 votes behind Hoover. . . .

The cold figures reveal one of the most amazing chapters of American politics, showing the sweep of progressive strength, a result in which labor shares not only the credit of participation, but the advantage of the results.

WILLIAM ENGLISH WALLING.

New York City.

Seattle's Debt

SIR: It was fair enough, of course, to allow Mr. Read Bain an opportunity to reply in your issue of March 13 to my criticism of his article on Seattle. Most of this reply is inconsequential, but he takes the opportunity to make certain further misstatements as to Seattle's indebtedness that I cannot allow to pass without correction, and I am sure that you will see that they ought to be corrected.

Mr. Bain says that Seattle's debt is $79,000,000 as against an assessed valuation of $270,000,000. Seattle's debt, as certified to me by our City Comptroller today, is $14,532,125.82, instead of $79,000,000 as stated by Mr. Bain, and the assessed valuation is $297,355,154.00 instead of $270,000,000. He must have included about $40,000,000 in utility revenue bonds and I do not know what else, but Seattle's debt is as above stated. Utility bonds are in no sense a "debt" as they are payable only out of revenues, *and taxes cannot be levied to retire them.*

If they were to be mentioned at all, common fairness would require that on the credit side be placed $82,000,000 in utility assets.

W. D. LANE.

Seattle, Wash.

What Protection Is for

SIR: Your article on "We Make a Tariff" recalls a heading in the Mercury—"We Rob a Bank." Both are about robbery; hence, similar.

In this essay, you state truly: "they will undoubtedly have the privilege of paying rather more for their imported commodities," etc. But why point out this minor fact and leave unmentioned the major truth that they will also pay more for all protected commodities that are *not* imported? You seem not to know just what protection is for, namely, to confiscate wages by super-prices.

You suggest the possibility of a panacea in the form of a tariff commission headed by scholars. Now, just use your head a minute. Do you suppose that a rich privileged class with the taxing power in their hands is going to allow a few scholars to abolish their graft?

Goods are produced cheaper here than anywhere else in the world. A tariff equal to the difference in costs would be a bounty on imports.

Pin-head politicians speak of a scientific tariff, but that is exactly what we have now. A machine is scientific when it performs the function intended by its maker. That is exactly what the tariff does, and more. It levies daily tribute on every producer and every consumer, never missing one of all the millions, bestowing enormous wealth upon a class of privileged parasites, working so scientifically that the victims don't even know what is being done to them.

Nor is that all; the tariff delusion blasts the minds of its victims so that they kiss the hand that smites them and bless the thing that takes the bread from their mouths.

Verily, the tariff is scientific, though the temple of protection is the house of economic prostitution.

WILLIAM SCOTT.

Minneapolis, Minn.

Cubans vs. Porto Ricans

SIR: The editorial, "Porto Rico: A Colonial Responsibility" in The New Republic of February 6 is—how shall I term it without hurting feelings?—well, silly. I am disappointed with you for publishing it.

On what grounds does the writer of that editorial base the statement: "Cuba and Santo Domingo and (in theory) Haiti are . . . inhabited by peoples intellectually more backward than the Porto Ricans?" I know nothing about the Haitians and little about the Dominicans (though I am one of a large number who believe the Dominican, Maximo Gomez, was the greatest military intelligence in the history of the Americas). But I do know the other races sufficiently well to challenge the assertion that Cubans are intellectually inferior to Porto Ricans.

The fact is, the Porto Ricans are living in the best of all possible worlds for them. They are a supine, stodgy, spiritless race. They have not even as yet developed a spirit of nationalism at a time in the world's history when among cultured peoples nationalism has started on the way to join the family, the clan and the city fetishes in the realm of the dodo. Had the Porto Ricans existed two thousand years ago they would inevitably have been the slaves of whatever virile people wanted them, if any. . . .

W. Z. W.

Washington, D. C.

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The School and Society

School and Society in Chicago, by George S. Counts. New York: Harcourt, Brace and Company. 367 pages. $2.50.

NOW that Dr. Counts has accomplished the task, the wonder is that no one has attempted it before. There are many books, some of them excellent, about the organization and administration of American school systems from within. There was none, however, until the appearance of the present one, that dealt with the school system as it is affected by the play of the forces of the community.

The immediate episode upon which the book turns is the tragic comedy of Mayor Thompson's civic administration of Chicago, the crusade against King George, and the battle for 100 percent Americanism, interpreted as extravagant attention to every immigrant group in Chicago having votes—except the English—and culminating, educationally speaking, in the "trial" and dismissal of Superintendent McAndrew. The sensational features of the incident were spread over the pages of the daily press. The causes, of which the incident in question is only a symptom, are, however, what interest Dr. Counts. In his treatment the melodrama is a peg from which hangs a panoramic picture unrolling itself over a period of fifteen years. In his own words, "The Chicago spectacle, or a similar spectacle in any other industrial city, may best be understood if it is regarded as a product of the play of many diverse forces upon the schools." And the schools are "administered not only in a highly complicated society, but also in a society with a history. . . . Every generation receives from its progenitor and bequeathes to its offspring a legacy of loves and hates, or prejudices, antagonisms and rivalries, which must always color and give direction to human behavior." Here no project is viewed on its intrinsic merits and demerits, but as it affects the interests of some group and in the light of some past history.

To quote our author again: "Every vibration that agitates the social structure must sooner or later reach the public school." His book is essentially an objective study, as nearly impartial as human circumstance permits, of the chief social sources from which the vibrations have been sent out to stir either trouble or life in the school system. The administrative conduct of the schools in its legal and political relations is studied under the caption of "The Division of Authority." This division applies to the relations of state and city, and is expressed in clashes between the School Board and the City Hall, the Board and the Superintendent, the latter and the teaching force, and, at sundry times, of any one of them with any one of the others. Moreover, the fairly rapid changing of superintendents breaks into continuity of policies and operates to introduce additional clashes. Here is brought out one of the historical inheritances to which reference has already been made—namely, the contrasting educational philosophies of Mrs. Ella Flagg Young and of Mr. McAndrew, which reacted not only upon teachers but also upon organized elements in the community. In this case the conflict was between the Federation of Labor and the Association of Commerce; Mrs. Young's policies having the sympathy of the former, and Mr. McAndrew's the active support of the latter.

With respect to the teachers, the split came over the abolition of the Teachers' Councils, initiated by the Federation of Labor, and wiped out by the Association of Commerce. To the alienation of the teaching corps by this action, Dr. Counts devotes a chapter. The difficulty that any educational "reformer" has in realizing his projects when he does not have the active sympathy of the great body of teachers is a point which might have received more emphasis than he gives it. The educational history of our cities is full of instances of failure of more or less promising plans because they were put over upon teachers from above. Mayor Thompson would have had a much harder job in getting rid of Mr. McAndrew than he did have, if the latter had not already alienated so many of the classroom teachers.

The internal difficulties in a school system afflicted with uncertain and divided authority, and consisting of 12,000 teachers of different grades, interests and experiences, would be great, even if it went on, as Dr. Counts says, "in a social vacuum." But playing upon the clashes within the system and utilizing them for special ends is a multitude of different and often opposed social forces. The next division of Dr. Counts's book is devoted, under the caption of "The Play of Social Forces," to a detailed study of the more important of these special influences. The Association of Commerce, the Federation of Labor, the women's clubs, the churches, especially with respect to the conflict of Catholic and Protestant, the city hall and the daily press, each receives a chapter, and every chapter is full of enlightenment for anyone who would understand the difficulties under which the development of our American school system labors. With so many important points brought out, it is not easy to select any for notice. The unremitting, quiet attention of business interests to the school system, and the effects of their efforts at control are, however, peculiarly significant, while the conscientious endeavor of women's organizations at educational improvement and their handicap because of exclusive membership in one social class, stand out especially in my mind.

The main purpose of the book is to set before the reader a definite picture of the social conditions under which our school system operates in large and industrialized cities. In that task it succeeds admirably. The book ought to be "required reading" not only for administrators and teachers, actual and prospective, but for all newspaper men who are called upon to write about the schools. We are not likely to get anywhere until events are viewed in relation to their background and social setting; and, while Chicago has its own peculiar color, the general trend of events there is not so different from what happens elsewhere.

Dr. Counts remarks that, while a realistic view of the play of the social medium on the schools may produce some loss of faith in the latter as a great constructive and liberating instrument, the loss might "mark a distinct advance over that smug complacency with which students of education have ignored the social medium in which the school must perform its task." He concludes his account with two suggestions which, if adopted, would at least tend to reduce secrecy, hypocrisy and instability in the conduct of the schools. One of them is that the constitution of the School Board should be frankly representative of groups, so that each major legitimate interest of the city could make itself heard in the open. The other suggestion is that the entire teaching staff in a city be organized in such a way as to have a responsible share in the administration of the schools. Only the teaching force in solid array, not a few administrators, are in a position to resist outside pressure; the teaching body is the continuous and stabilizing element, and if educational policies are to evolve

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and be executed gradually and with a minimum of friction, "they must grow from the thought and experience of the entire profession."

While I am in hearty sympathy with this proposal, it goes counter to most present tendencies, since these magnify the administrative officers and reduce class-room teachers to a subordinate role. If Dr. Counts had gone further back into Mrs. Young's superintendency, he would probably have emphasized, more than he has done, the fact that her governing ideal was the continuous taking of teachers into active partnership in development of the schools. (Dr. Counts twice ascribes this policy to the influence of Colonel Parker and myself. On the contrary, it was the matured fruit of her own personal experience as she moved from class-room teacher to administrator. As far as personal indebtedness is concerned, the ideas came to me from her and not *vice versa.*) The formation of Councils was both a symptom and a factor in this policy, but it can be understood only as a special symptom and factor; it was but an incident in a much larger policy. On the other hand, the abolition of the Councils by Mr. McAndrew was a symptom and factor in a comprehensive policy of the opposite type. While the objective character of Dr. Counts's book is to be admired, I have a feeling that it would gain in force if this particular issue were made more central. But all students of social movements must be grateful for a needed pioneering work, excellently undertaken.

JOHN DEWEY.

Spleen

Dodsworth, by Sinclair Lewis. New York: Harcourt, Brace and Company. $2.50.

SINCLAIR LEWIS has discovered Europe; and the discovery has made him tenderer toward America. So tender, indeed, that in this book the Babbitt-curser becomes at times almost indistinguishable from Booth Tarkington; and when he does rage, his patriotic (that is, anti-foreign) invective is only a little less shrill than Mr. Struthers Burt's. In "Dodsworth," Mr. Lewis has made his man of straw almost a hero. This time, the villain of the piece is a woman. It is true that she is the embodiment of a social type, but hers is not a type that exists, as Babbitt does, by the million; and we question whether enough gloating husbands will buy the book to put it into the best-seller class.

Samuel Dodsworth, captain of industry, inventor and manufacturer of the Revelation motor car, is bought out, at the age of fifty, by a much larger concern. He has made his pile, and can well afford to retire; his adored wife Fran (who is said to be extremely attractive and a great social success, but never convinces us that she is either one of these things) persuades him to go abroad with her, for an indefinitely extended holiday. They have the boring, disappointing and upsetting experiences that are the common lot of half-educated Americans traveling in Europe: but their adventures are further complicated by Fran's behavior. It is very soon evident to the reader, and gradually becomes so even to her husband, that she is a social climber, and of the type known among men as a "teaser." She gets into numerous near-scrapes, none of which has any salutary effect on her beyond a brief humiliation, and finally, in Berlin, where an impoverished young Austrian count has fallen in love with her, she asks her husband to give her a divorce. Her marriage with the count falls through, however, and she wants her husband to take her back again to dear old Zenith. But Sam has at last had enough of it; and besides, while she was playing with the count he was falling in love himself; so he gives his wife a most satisfactory go-by, and we have the kind of happy ending that is like the snarling laughter of an angry man getting a bit of his own back.

It is not a very pleasant book to read, nor a particularly enlightening one. What it has to say, about the problems of marriage, of the relations between Americans and Europeans, about America, and about Europe itself, has been said before, and has certainly been better expressed. But the journalistic faculty which Mr. Lewis possesses, which enables him to write interestingly, if not excitingly, about most of the journalistic subjects he touches, and which gives a hot-off-the-griddle air to all his books, saves this latest effort of his from complete failure. That "Dodsworth" is a comparative failure it must be admitted. Mr. Lewis hit the bull's-eye once, in a most convincing manner: the man of straw he had set up for his target has become almost a national Guy Fawkes; but increasingly his later models have been less worthy of general attention. Mr. Lewis, even in his indignations, has always been more of an enthusiast than a satirist; and in "Dodsworth" his enthusiasm is what we shall like to remember; for his satire has become little more than spleen.

T. S. MATTHEWS.

Black America

Black America, by Scott Nearing. New York: The Vanguard Press. 274 pages. $3.

"BLACK AMERICA" is a factual, unsentimental, bold and thorough account of the position of the Negro in the United States, presented through a carefully authenticated text and with the use of many undeniable and terrible photographs of physical and social outrage. It is traditional in this country to regard the black man as a sociological or moral "problem." From Harriet Beecher Stowe to Booker Washington he has been approached with shallow profundity, through the emotions. By war, religion or a type of education that would allow him—perforce—his isolation, and yet so subtly adjust him that he could live in peace and even a sort of inferior brotherhood in white America, he would be saved. Such philosophy, of course, exists only in the face of sentimental error. It is necessary, to accept it, to believe the Negro intrinsically inferior—an innate slave. It is also necessary to ignore the most vital and significant fact about his position in the history of this country: the Negro exists among us as an aspect of shifting industrialism. Naturally enough, all that has been "done" for him in the light of such profound errors has been superficial and ineffective. The Civil War affected his position only academically: it left him legally a freeman, but actually disenfranchised, poverty-stricken and isolated—in many cases still a serf in fact, attached to the land.

"The Negro," says Mr. Nearing, "is a subject race within the homeland." And his analogy is precisely accurate. The whole machinery of our law and custom, as it relates to the Negro, labors to keep him biologically distinct. The conventions of his inferior legal, economic and even moral status are so well defined that he himself seldom questions them. In many ways his condition in the United States is like that of the Jew in pre-revolutionary Russia. It is more than suspected that the Chicago race riots at least

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were allowed to distract the minds of the citizenry from objectionable local governmental practice.

Mr. Nearing carries his analogy a step farther: if the Negro is a subject race, he is not and never has been utilized for the benefit of the biologic whole of the dominant group. In the South his slave status has degraded white agricultural labor, consistently forcing it to a level of existence approximating his own; now in the industrial North the same process is taking place. "Black America" demands a destruction of the present racial alignment in favor of a new alliance, based on a recognition of complete mutual recognition of like interest between white and Negro labor.

MELVIN P. LEVY.

A Monarch of the Old School

Emperor Francis Joseph of Austria, by Joseph Redlich. New York: The Macmillan Company. 547 pages. $5.

WHEN, in the middle of the dramatic conflict of the nations, the death of the Emperor Francis Joseph was announced to the world in November, 1916, it was impossible not to pause for a moment and think on the past. The man was eighty-six years old and had been on the throne since 1848. An emperor at eighteen, he had ruled one of the great powers of Europe before most men of the war period were born. For years he had been looked upon with a kind of awe. He seemed like a relic of an age gone by, and men realized that he was, in a sense, a link between their own world and one long dead.

The Emperor Francis Joseph was no ordinary man, neither was the empire over which he ruled an ordinary empire. Perhaps one might say that he was not an ordinary man because of the extraordinary conditions under which he lived. As descendant of the most exalted ruling house in Europe, he had been raised to the throne in the very midst of the great revolutions which swept the continent in the years 1848-1849, when the Hapsburg dominions first felt the shock of the ideas of liberalism and nationalism, the two great driving forces in the history of Europe in the past century. Like other monarchs of his time, Francis Joseph had been educated in the distrust of these principles. They represented the very negation of the rule of divine right and absolutism, the subversion of the whole historical, political and social order. They were bound to lead to chaos and disorder; in short, to revolution and interminable strife. The young Emperor's mother, the Archduchess Sophie, was one of the strongest personalities of her time and was the unerring advocate of firmness in repression. Fortunately for the imperial house, there were strong men to support her: the great general Radetzky, the uncompromising reactionary Windischgrätz and the eminent statesman Schwarzenberg. The revolution was beaten down by a clever diplomatic trick which enabled the government to set off one of the nationalities against the other and eventually to defeat them all by the ruthless application of military force. Schwarzenberg, the very embodiment of cynicism, had introduced a constitution dictated by the government, but everyone knew that it was not seriously meant. Before long, absolutism was reëstablished, and in a form more extreme than any yet known. "In so doing he inevitably gave Francis Joseph a perilous conception of the nature and premises of statesmanship." "The young Emperor had been restored to his capital by the army. He felt himself, therefore, preëminently the War Lord," and rarely appeared in civilian dress.

The mistake which Francis Joseph and his advisers made was in assuming that great historical forces can be checked by the use of armed force. As we now see, the ideas of liberalism and nationalism were inseparably bound up with the economic progress of the century and the rise of the middle class. This is what the Emperor, thrown back on himself after Schwarzenberg's death in 1852, refused to realize. He was "the last monarch in Europe to incarnate the legitimist ideas of the eighteenth century and carry them in his own person into the twentieth." "He was well aware that his views and ideas were not those of his day and generation. . . . But he felt no necessity for closer acquaintance with a new age that was temperamentally repugnant to him." "He was strong because he knew nothing of the ideas of his age, nothing of their historic application, nothing of the power inevitably lent them by the social and economic development of the whole period." "Throughout nearly seventy-seven years of action and suffering he maintained, unaltered, the position he took up on entering on his inheritance." "Actually he never was a shadow Emperor; down to the day when the World War began, he was the ultimately deciding will in his wide empire."

With his "black and white mind," for which "a thing, a man, an idea, a law was simply good or bad," it can be readily understood that the Emperor throughout his life was confronted with difficulties and forced to make unpleasant decisions. The tragedy of his family life is well known to everyone. Estranged from his wife by lack of understanding, he lived to see her assassinated by an anarchist. His brother was executed by a firing squad in Mexico. His only son met his death in the Mayerling tragedy, and the murderous assault upon Francis Ferdinand and his wife at Sarajevo marked the beginning of the international slaughter in 1914. All this is familiar enough. But hardly less interesting is the story of the domestic development of the Hapsburg Empire in the reign of Francis Joseph. With his complete lack of understanding of the great forces abroad in the world of his day, he went into the wars with France and Piedmont and with Prussia, with disastrous results for the Empire. At home he steadily refused to compromise with the new ideas. The period of absolutism in the fifties was followed by a decade of constitutional experiment which led to the establishment of the Dual Monarchy on a constitutional basis. For a time the liberal experiment was tried in the Austrian half of the Empire, but with unedifying results. "Every people in Europe, since modern constitutionalism has put its destiny more or less in its own hands, shows a tendency to transfer the idea of pure force, previously embodied in the monarch, to the party sphere, and to exaggerate it. The German liberals were no worse, no more 'immoral' than the rest. Their great fault, their tragedy, was that, bent on pursuing their own national interests as they saw them, they lacked the leadership and intelligence to take a wide view of the vital conditions of the monarchy as a whole." Before long the national struggle between the various peoples in the monarchy developed into a desperate conflict, and in the last two decades before the War the world was prophesying the end of the Empire with the death of the Emperor. Far-sighted statesmen, and they were not many, urged the reorganization of the Empire on a federal basis, but this solution would have met not only with the unbending opposition of the Magyars, but also with the veto of the Emperor. He never believed that his dominions could be ruled parliamentarily, and could not reconcile himself to the idea of federalism. "After all, Francis Joseph was Emperor not only of the

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upper middle classes in the cities of Vienna, Prague, Brünn and Graz, but of the millions of German peasants who knew little and cared less for the 'prima donnas' of Austrian liberalism." "He had more in common with the aristocratic federalists, Catholic peasants, and even Polish and Czech conservative leaders, than with the squabbling leaders of the 'liberal,' free-thinking bourgeoisie. . . . But he simply could not see himself as the sovereign of a federal state. For him, as for most Europeans of his day, federalism spelled 'small scale business'; politically it spelled weakness."

It was only toward the end of the World War that the Allies came to the decision to work for the disruption of the Empire. The problem was one of the first magnitude, and the thought of the Balkanization of central Europe was a terrible one. Besides, the ignorance of the western world in matters relating to the Danube Basin was proverbial. There were no good books on the subject then, and there are few enough of them now. It is not too much to say that this biography of Francis Joseph is the first well informed, well balanced and well written book in English on the decline of the Hapsburg monarchy. No more competent writer on the subject could be imagined. Professor Redlich is a scholar of international note and an authority on constitutional and administrative law. He has written at great length and with great depth on the domestic history of the period with which he here deals, and has supplemented his scholarly knowledge with the experience gained during years of membership in the Austrian Parliament and during his tenure of the ministry of finance in 1918. This book has nothing in common with the racy, superficial and sensational biographies with which the world is flooded. It is based on sound factual knowledge, and it is written with brilliance, sympathy and deep wisdom. It is not only the best book on the subject, but one of the finest pieces of biographical writing of our time.

WILLIAM L. LANGER.

The Yankee God

Plain People, by E. W. Howe. New York: Dodd Mead and Company. 317 pages. $3.

ED HOWE keeps on insisting that he is only one of the plain people. Like most Americans, he is filled with the idea that at all costs he must act like a democratic man. Calling himself plain, he feels confident of expressing himself. Surely he seems to act "plain" and think "plain," but in reading his "plain" book, you get the feeling of an unusual man.

"Plain People" is the autobiography of the author's rise in the world of the Middle West, where as a country boy of obscure heritage, living most of his days in Kansas, he originated and brought to fame the Atchison Globe and became one of the nation's most quoted and admired country editors. And yet behind this sound, wise and instructive book chock full of maxims and rules for the trench-warfare of everyday life, is the rumor of raids into no-man's-land. Ed Howe was many times in love, but he will not write about that. He was always deeply moved by music, and he dismisses it as a dissipation. He is forced to admire the autobiography (unpublished) of his iron-fisted, unlovely father who ran a tragic course of life "and wrote as candidly as one thinks. Which," says Howe, "I have never been able to do."

These omissions contribute as much to the interest of Ed Howe's story as the events, from Lincoln's day to our own, which he has included. We get a God's plenty of the pragmatic Middle-Western philosopher who sees what a man can see, earns his daily bread and is nobody's fool—many simple, acute observations on life which, gathered together, would make in themselves the worthiest collection of Yankee epigrams yet uttered. It is impossible to read these pages without noting some of them down.

The provocative part of "Plain People" is this: every little while, through the pages of solid ethics for the self-justifying pioneer man, the suppressed, undocketed emotions of Ed Howe will crop up. He cries out: "You may talk about religion all you want, but a right good love affair moves a man more than anything else." And again: "I soon fell in love, but this is a part of my life of which I shall write little, as no one may write candidly about it and meet the approval of editor or public." . . . "Love is not a thing to be candid and sensible about." And then finally: "I have always been able to get along with most women rather well, except as a husband." Here we have him smoked out at last from the wood-chuck wisdom of the school of Franklin, but he is uneasy. "When I leave the concert hall, my dream is over and again I walk carefully in the highways of the commonplace." One of Ed Howe's luxuries has been to give free symphonic concerts in many places for his plain people.

Although the citizen in Howe seems often to swallow up the man, at least we have in this book a grand, full-sized picture of a Western citizen. If a foreigner were to ask me: "Where will I find the Yankee mind?" the answer would be to read Thoreau, Whitman and then Ed Howe. Let us hope Mr. Howe will decide to publish his father's manuscript and then come out with his own unwritten chapters.

HENRY CHAPIN.

Fiction Notes

These Are My Jewels, by L. B. Campbell. New York: W. W. Norton and Company. $2.

THIS short book is divided in two parts. In the first we hear how a Wisconsin woman marries in 1888 and, with birth-control on her lips and the facts of life always put plainly to the youngsters, brings up two boys and two girls among the Browning Circles of that age. The second part opens with the unhappy marriage of her eldest son in 1913 and carries us right down a series of four unions to the marriage of her youngest daughter in 1923. The theme is the same as that of the play which Broadway called "The Silver Cord," but which the present author might very well have called the umbilical cord. She is perfectly capable of doing that and doing it so sensibly and quietly that you would not shudder. Here we have the dangers of that well known, smothering, suffocating mother-love set forth in plain narrative without the least dialogue. It is a quick book. The author has kept her story lively with the obvious, natural, daily occurrences of both family and national life during the two periods she depicts. Her characters are as deadly dull and middle-class as they could be. The secret of her success in dealing with them is the possession of a rare quality among English writers. Mixed into these pages as you go along, you will find that magic which earnestly, devoutly says one thing while revealing in unusual clarity its direct opposite. There is nothing smart or obvious about the irony of this fable. On their jacket the publishers state that the author, who is a professor of English literature at the University of California, wrote this, her first novel, to please herself.

C. A. C.

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Plum Bun, by Jessie Redmon Fauset. New York: Frederick A. Stokes and Company. $2.50.

"PLUM BUN" is a novel of very ordinary sorts about a subject of extraordinary interest. Written by a colored author of note, it tells the story of a Negro girl, Angela Murray, who "passes." Possessed of white skin and light hair, she is accepted by an artist group of white people as one of them. The analysis of Angela's character, her desire to get the good things of life which would be denied were her race known, her negative deceptions to attain her ends, her whole philosophy of *carpe diem,* are all admirably handled. She is a convincing, sympathetic character. Were it not for the fact, however, that Angela Murray represents a group that has seldom found its way into literature and yet, at the same time, a group that presents a very interesting problem to both white and black, "Plum Bun" would not be worth discussing. The rest of the book is inconsistent and trivial. The story is melodramatic, unreal. Not only has Miss Fauset disdained all use of dialect, but she has discarded as well the full rich idiom of the colored race. Instead of being satisfied with the presentation of one important idea, Miss Fauset has crammed into this novel all her reactions to life in general. The result not only detracts from the vividness of her main thesis but also leaves the reader gasping for breath.

B. K.

Prima Donna, by Pitts Sanborn. New York: Longmans, Green and Company. $5.

PITTS SANBORN knows his grand opera from both sides of the footlights. At the same time he knows and makes known what happens to a star in the daytime. Helma Seymour from the moment she arrives in New York is clearly slated for musical importance. Her struggle is less for professional success than for success in living. Not that the first was won without infinite pains. But of the final outcome there is little doubt. It is the private life of this public figure which trembles on the brink of failure, striving always to thrust itself into the path of her career, besetting her with questions and importunities. Whether the end represents victory in defeat or defeat in victory, depends upon the point of view. If the prima donna occasionally appears both a little more and a little less than human, it is not because her author fails to realize her. The type is outside the run of frustrate humanity. Her problems are specialized by her success, her steadfast purpose, and that serenity which she must cultivate in self-defense, which is equivalent to saying, in defense of her art. For she is primarily the vessel of a career. This specialization rules the book out from universality just as Helma herself was ruled out from the cozy, deep-rooted intimacies which form the bulk of most lives. Like its principal, "Prima Donna" sacrifices the most poignant personal values to the nomad virtues of variety, glamor, movement. But, like her, it makes the most of these and at the last even contrives to make a virtue of its one defect.

B. G.

Rome Haul, by Walter D. Edmonds. Boston: Little, Brown and Company. $2.50.

MR. EDMONDS holds two strong suits and plays them well in this first novel. In the first place, he writes dialogue with vim, wit and conviction. It is the dialogue of the "canawlers" of western New York seventy-nine years ago. When he who relishes bucolic repartee or

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yarning reads this book he will be as happy as a cat with kittens. In the second place, Mr. Edmonds has an unusually fine power of description. His range is not limited in this respect. He appears equally at home doing a ten-page epic of the opening day of Clinton's Big Ditch or slashing his way deliberately through a fight with bare fists. Dawns, snowstorms and the seasons are child's play to him. The book is competent and variegated. Perhaps Mr. Edmonds over-emphasizes the felicitous side of his subject, but then, it must be remembered that he is writing light fiction. It is a good aim for a first novel. Mr. Edmonds has not, however, had to resort to saccharine. Perhaps his plot would be improved if it were more closely knit, but even on this point it is hard to carp at a book which holds the attention and rewards the sense of humor as well as this one does.

C. A. C.

Sand Castle, by Walter Millis. Boston: Houghton Mifflin Company. $2.50.

CONSIDERABLE brains, some talent and more than a hint of better things to come are revealed in this first novel. Mr. Millis, a reporter on The New York Herald Tribune, shows himself to be witty, well instructed in the business of observation and at times capable of expressing himself with nicety. The heroine of his marriage-problem story is the starry-eyed only daughter of a dried-up newspaper man. She is convincingly drawn, as are also the other women, a vapid young wife from Georgia, an affluent New York busybody with Louis XV furniture, and the horse-faced daughter of a Middle-Western plumber who wrings marriage from a writer of Broadway farce-comedies. Mr. Millis is less successful with the men. His central figure, a painfully self-righteous construction engineer, persists in allowing the issues of the spirit to confuse the issues of the flesh. He is altogether well bred and not at all manly. This ambiguity may be true to life, but it is hard to read about as presented here. The futility of the subject is not sufficiently dramatized. The book is diffuse. More action and less speculation might have improved it.

C. A. C.

Contributors

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COUNTY OF NEW YORK } ss.

Before me, a Notary Public in and for the State and County aforesaid, personally appeared Daniel Mebane, who, having been duly sworn according to law, deposes and says that he is the Business Manager of The New Republic and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption required by the Act of August 24, 1912, embodied in section 411, Postal Law and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing director, and business manager are:

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421 W. 21st St., New York, N. Y.

Editor, Herbert Croly,
421 W. 21st St., New York, N. Y.

Managing Editor, Bruce Bliven,
421 W. 21st St., New York, N. Y.

Business Manager, Daniel Mebane,
421 W. 21st St., New York, N. Y.

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Signature of Business Manager.

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